

**City Of Santee
Regular Meeting Agenda**

**Santee City Council
Community Development Commission
Santee Public Financing Authority**

**Council / Commission / Authority Chamber
10601 Magnolia Avenue
Santee, CA 92071**

**June 27, 2007
7:00 PM**

(Call meeting to order as City Council/Community Development Commission/Public Financing Authority)

ROLL CALL: Mayor Randy Voepel
Vice Mayor John Minto
Council Members Jack Dale, Brian Jones and Hal Ryan

INVOCATION: Pastor Brian Craig, New Heights Community Church

PLEDGE OF ALLEGIANCE:

ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:

1. CONSENT CALENDAR:

Consent Calendar items are considered routine and will be approved by one motion, with no separate discussion prior to voting. Council Members, staff or public may request specific items be removed from the Consent Calendar for separate discussion or action. Speaker slips for this category must be presented to the City Clerk before the meeting is called to order. Speakers are limited to 3 minutes.
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(A) Approval of Reading by Title Only and Waiver of Reading in Full of Ordinances on Agenda.

(B) Approval of Meeting Minutes:
Santee City Council 06-13-07 Regular Meeting
Community Development Commission 06-13-07 Regular Meeting
Santee Public Financing Authority 06-13-07 Regular Meeting

- (C) Approval of Payment of Demands as Presented.
- (D) Approval of the Expenditure of \$112,517.25 to Pay for May 2007 Legal Services and Related Costs, and Appropriation of Funds.
- (E) Second Reading and Adoption of an Ordinance of the Santee City Council Describing the Program of the Santee Community Redevelopment Commission Regarding the Use of Eminent Domain and Authorizing the Recording of a Revised Statement of Proceedings, as Required by Senate Bills 53 and 1809.
- (F) Second Reading and Adoption of an Ordinance of the Santee City Council Adding Chapter 5.15 to the Santee Municipal Code Establishing Franchise and PEG Fees and Customer Service Penalties for State Franchise Holders Providing Video Service within the City of Santee.
- (G) Authorization of Amendment No. 1 in the amount of \$25,000 to San Diego Regional Storm Water Copermittees Memorandum of Understanding to Cover City's Share of the Cost to Develop the Hydromodification Management Plan.
- (H) Rejection of all Bids Received for Enhanced Street Maintenance, CIP 2007-07, and Authorization for Staff to Re-Bid the Project.
- (I) Adoption of Resolution Levying Charges for Fire Suppression Service for FY 2007-2008.
- (J) Approval of Street Light Maintenance Contract Extension for FY 2007-2008 in the Amount of \$51,958 with Southwest Signal Service, Inc and Authorization for the City Manager to Execute Change Orders for Unanticipated Emergency Work up to the Budgeted Amount of 84,900.
- (K) Approval of Traffic Signal and Communication Systems Maintenance Contract Extension with Republic ITS Inc. for FY 2007/2008 in the Amount of \$126,768 with Authorization for the City Manager to Execute Change Orders for Unanticipated Emergency Work up to the Budgeted Amount of 131,500.
- (L) Adoption of Resolution Establishing the Appropriations Limit of \$168,881,653 for FY 2007-2008.
- (M) Adoption of Resolution Authorizing an Application to the California Energy Commission's Energy Partnership Program for Grant Funds and Authorization for the City Manager to Execute Necessary Related Documents.

- (N) Adoption of Resolution Accepting Public Improvements for the Black Horse Estates Subdivision (TM2000-02). Location: North Side of Rattlesnake Mountain South of the Southerly Terminus of Northcote Road.
- (O) Review of the 2007 Edward Byrne Memorial Justice Assistance Grant [JAG] Application and Authorization for the City Manager to Submit the Application.
- (P) Authorization to Award a Contract for Ball Field Improvements at Various Santee School District Sites to Mission Valley Landscape Company for an Amount Not to Exceed \$937,990 for Fiscal Year 2007-08 and Authorization for the City Manager to Execute the Contract and to Approve Change Orders up to 5% of the Bid Amount.

2. PUBLIC HEARINGS:

- (A) Public Hearing for a Tentative Parcel Map (TMP07-01) and a Development Review Permit (DR07-03) for a Four Lot Subdivision and Construction of Four Single Family Dwelling Units and a Private Road on a 0.83 Acre Site Located on the East Side of Fanita Drive, Approximately 500 Feet South of Prospect Avenue (APN: 368-050-08) in the R2 (Low-Medium Density Residential) Zone. Applicant: Tyree & Vidovich Investments, LLC

Recommendation:

1. Conduct and close the Public Hearing, and
2. Adopt Resolutions approving Tentative Parcel Map TPM07-01 and Development Review Permit DR07-03.

3. ORDINANCES:

- (A) Adoption of an Interim Urgency Ordinance of the City Council of the City of Santee Establishing a Moratorium on the Further Establishment of New Bail Bond Offices and the Expansion or Renovation of Existing Bail Bond Offices Pursuant to Government Code Section 65858.

Recommendation: Introduce and Adopt Interim Urgency Ordinance.

4. CITY COUNCIL REPORTS: None

5. CONTINUED BUSINESS:

(A) Adoption of the Proposed Fiscal Year 2007-08 and Fiscal Year 2008-09 Budget. (Relates to Item 9A)

Recommendation:

Adopt resolution approving the City of Santee two-year operating budget for fiscal years 2007-08 and 2008-09.

6. NEW BUSINESS: None

7. COMMUNICATION FROM THE PUBLIC:

Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the Agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.

8. CITY MANAGER REPORTS: None

9. COMMUNITY DEVELOPMENT COMMISSION:

(Note: Minutes appear as Item 1B)

(A) Adoption of the Proposed Fiscal Year 2007-08 and Fiscal Year 2008-09 Budget. (Relates to Item 5A)

Recommendation:

Adopt resolution approving the Santee Community Development Commission two-year operating budget for fiscal years 2007-08 and 2008-09.

(B) Adoption of a Resolution Authorizing the Execution of a Temporary Construction Easement Deed with California Department of Transportation on APN 384-141-12 for the State Highway 52 Construction Project.

Recommendation:

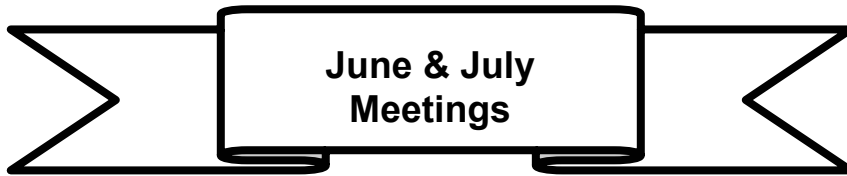
Adopt resolution.

10. SANTEE PUBLIC FINANCING AUTHORITY:
(Note: Minutes appear as Item 1B)

11. CITY ATTORNEY REPORTS:

12. CLOSED SESSION: None

13. ADJOURNMENT:



June	27	City Council/CDC/SPFA Meeting	Chamber
June	28	Santee Human Relations Advisory Board	Chamber Conf Rm.
July	05	Santee Park and Recreation Committee	Building 6 Conf. Rm.
July	11	City Council/CDC/SPFA Meeting	Chamber
July	25	City Council/CDC/SPFA Meeting	Chamber
July	26	Santee Human Relations Advisory Board	Chamber Conf Rm

The Santee City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.

For your convenience, a complete Agenda Packet is available for public review at the Santee Library, City Hall and on the City's website at www.ci.santee.ca.us.

The City of Santee complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the American with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office at (619) 258-4100, ext. 112 at least 48 hours before the meeting, if possible.

State of California }
County of San Diego } ss.
City of Santee }

AFFIDAVIT OF POSTING AGENDA

I, Linda A. Troyan, MMC, City Clerk of the City of Santee, hereby declare, under penalty of perjury, that a copy of this Agenda was posted in accordance with Resolution 61-2003 on June 22, 2007 at 4:30 p.m.

Signature

6/22/07
Date

MEETING DATE: June 27, 2007

AGENDA ITEM NO.

ITEM TITLE APPROVAL OF MEETING MINUTES: SANTEE CITY COUNCIL,
COMMUNITY DEVELOPMENT COMMISSION AND SANTEE PUBLIC
FINANCING AUTHORITY REGULAR MEETING OF JUNE 13, 2007.

DIRECTOR/DEPARTMENT Linda A. Troyan, MMC, City Clerk

SUMMARY

Submitted for your consideration and approval are the minutes of the above meetings.

FINANCIAL STATEMENT N/A

RECOMMENDATION

Approve Minutes

ATTACHMENTS (Listed Below)

Minutes

Minutes

**Santee City Council
Community Development Commission
Santee Public Financing Authority**

Draft

**Council Chambers
10601 Magnolia Avenue
Santee, California**

June 13, 2007

This Regular Meeting of the Santee City Council, Community Development Commission and the Santee Public Financing Authority was called to order by Mayor/Chairperson/Chair Randy Voepel at 7:04 p.m.

Council Members present were: Mayor/Chairperson/Chair Randy Voepel, Vice Mayor/Vice Chairperson/Vice Chair John W. Minto and Council/Commission/Authority Members Jack E. Dale and Brian W. Jones. Council Member Hal Ryan was absent.

Staff present were: City Manager/Executive Director/Secretary Keith Till, Deputy City Manager/Director of Development Services Gary Halbert, City/Commission/Authority Attorney Shawn Hagerty, Finance Director/Treasurer Tim McDermott, Director of Community Services John Coates, Director of Fire and Life Safety Mike Rottenberg, Director of Human Resources Jodene Dunphy, Santee Sheriff's Captain Patricia Duke, City Clerk/Commission Secretary Linda Troyan, and Deputy City Clerk/Deputy Commission Secretary Patsy Bell.

(Note: Hereinafter the titles Mayor, Vice Mayor, Council Member, City Manager, City Attorney, City Clerk and Deputy City Clerk shall be used to indicate Mayor/Chairperson/Chair, Vice Mayor/Vice Chairperson/Vice Chair, Council/Commission/Authority Member, City Manager/Executive Director/Secretary, City/Commission/Authority Attorney, City Clerk/Commission Secretary, Deputy City Clerk/Deputy Commission Secretary.)

The **INVOCATION** was given by Pastor Wesley Neal, Santee United Methodist Church and the **PLEDGE OF ALLEGIANCE** was led by Fire Chief Mike Rottenberg.

PRESENTATION: PRESENTATION OF FUNDS TO CITY COUNCIL BY WASTE MANAGEMENT FOR SANTEE SALUTES EVENT

Carl Scherbaum, District Manager, and Charissa McAfee, Customer Experience Manager, presented a \$25,000 check to the City to help support the City's Santee Salutes event.

PROCLAMATION: DIANE WILKERSON - FOOD BANK COORDINATOR

Mayor Voepel presented the Proclamation to Diane Wilkerson and thanked her for her 16 years of volunteer service to the Food Bank and the Santee community.

ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:

Mayor Voepel requested item 9(A) be Heard concurrently with 6(A).

- (A) **Approval of Reading by Title Only and Waiver of Reading in Full of Ordinances on Agenda.**
- (B) **Approval of Meeting Minutes:**
 - Santee City Council 5-23-07 Regular Meeting**
 - Community Development Commission 5-23-07 Regular Meeting**
 - Santee Public Financing Authority 5-23-07 Regular Meeting**
- (C) **Approval of Payment of Demands as Presented.**
- (D) **Approval of the Expenditure of \$117,722.03 to pay for April 2007 Legal Services and Related Costs.**
- (E) **Authorization to Award a Professional Services Contract to Birmingham Press for the Publication of the Santee Review, and Authorization for the City Manager to Execute the Contract.**
- (F) **Approval to Utilize County of San Diego Cooperative Contract No. 519042 with Corporate Express for City-Wide Purchase of FY 2007-08 Office Supplies, and Authorization for the City Manager to Approve up to Four (4) One-year Contract Renewals Should the County of San Diego Opt to do so.**
- (G) **Authorization for the City Manager to Execute a Change Order to the Existing Contract with Republic ITS for Traffic Signal Maintenance in the Amount of \$35,000.**
- (H) **Rejection of Claim Against the City Filed by AT&T/Pacific Bell.**
- (I) **Authorization for the City Manager to Execute a 90-day Extension for the Street Sweeping Services Contract with Cannon Pacific Services in an Amount Not to Exceed \$43,500 to Become Effective July 1, 2007.**

ACTION: On motion of Council Member Jones, seconded by Vice Mayor Minto, the Agenda and Consent Calendar were approved as amended with all voting aye, except Council Member Ryan who was absent.

2. PUBLIC HEARINGS:

(A) Public Hearing for the Fiscal Year 2007-08 Town Center Landscape Maintenance District Annual Levy of Assessments. (Reso 47-2007)

The Public Hearing opened at 7:15 p.m. Mayor Voepel announced that this is the third and final step in the required annual assessment process.

Public Speakers: None

ACTION: On motion of Vice Mayor Minto, seconded by Council Member Jones, the Public Hearing was closed at 7:16 p.m. and the Resolution authorizing the FY 07/08 Assessments was adopted with all voting aye, except Council Member Ryan who was absent.

(B) Public Hearing for the Fiscal Year 2007-08 Santee Landscape Maintenance District Annual Levy of Assessments. (Reso 48-2007)

The Public Hearing opened at 7:16 p.m. Director Coates answered Council Member Dale's questions noting the new landscape contractor is on board and working to bring the landscape areas back up to standard.

Public Speakers: None

ACTION: On motion of Council Member Dale, seconded by Vice Mayor Minto, the Public Hearing was closed at 7:17 p.m. and the Resolution authorizing the FY 07/08 Assessments was adopted with all voting aye, except Council Member Ryan who was absent.

(C) Public Hearing for the Fiscal Year 2007-08 Santee Roadway Lighting District Annual Levy of Assessments. (Reso 49-2007)

The Public Hearing opened at 7:17 p.m.

Public Speakers: None

ACTION: On motion of Vice Mayor Minto, seconded by Council Member Jones, the Public Hearing was closed at 7:18 p.m. and the Resolution authorizing the FY 07/08 Assessments was adopted with all voting aye, except Council Member Ryan who was absent.

3. ORDINANCES (First Reading):

- (A) **Introduction and First Reading of an Ordinance of the City of Santee, California Adding Chapter 5.15 to the Municipal Code Establishing Franchise and PEG Fees and Customer Service Penalties for State Franchise Holders Providing Video Service Within the City of Santee.**

City Attorney Hagerty provided the staff report and answered Council's questions.

ACTION: On motion of Vice Mayor Minto, seconded by Council Member Jones, the Ordinance was introduced for First Reading and the Second Reading was set for June 27th with all voting aye, except Council Member Ryan who was absent.

- (B) **Introduction and First Reading of an Ordinance of the City of Santee, California Describing the Program of the City of Santee Community Redevelopment Commission Regarding the Use of Eminent Domain and Authorizing the Recording of a Revised Statement of Proceedings, as Required by Senate Bills 53 and 1809.**

City Attorney Hagerty provided the staff report and answered Council's questions.

ACTION: On motion of Vice Mayor Minto, seconded by Council Member Jones, the Ordinance was introduced for First Reading and the Second Reading was set for June 27th with all voting aye, except Council Member Ryan who was absent.

4. CITY COUNCIL REPORTS:

- (A) **Support for the Santee Santas. (Ryan, Voepel)**

In council Member Ryan's absence, Mayor Voepel introduced the item.

Public Speakers: Sharon Huppert, Vice Chair of Santee Santas Foundation, talked about the support the Foundation offers to families in crisis in addition to their holiday programs.

MOTION: Mayor Voepel moved to allocate \$2,000 to Santee Santas with Vice Mayor Minto seconding the motion.

AMENDMENT: Council Member Dale requested the allocation be increased to \$5,000. Mayor Voepel and Vice Mayor Minto accepted the amendment.

ACTION: The amended motion to allocate \$5,000 for support of Santee Santas was approved with all voting aye, except Council Member Ryan who was absent.

5. CONTINUED BUSINESS: None

At the request of Council Member Dale, Item 6(B) was reordered to be heard before 6(A) to accommodate members of the audience.

6. NEW BUSINESS:

(B) Proposed Work Program to Update Various Elements of the General Plan and Zoning Code.

Deputy City Manager/Director of Development Services Halbert provided an overview of the update process and City Planner Kush presented the staff report and answered Council's questions.

Speakers: Rob McNelis spoke to the zoning change from TC to R2.

ACTION: After lengthy discussion, on motion of Council Member Jones, seconded by Vice Mayor Minto, in addition to the ideas presented in the staff report, the following direction was given to staff:

- ◆ Include options for the 10-block Park Avenue area in the plan to integrate the existing housing to the new development.
- ◆ Research restricting bail bond companies in Santee, especially on a main thoroughfare. At a minimum, restricting the type of signage used and return with an Urgency Ordinance for consideration.
- ◆ Interest in having underground utility cabinets.
- ◆ Research the possibility of requiring larger width hallways (wheel chair accessible) on all housing.
- ◆ Include mixed use in the new residential zone.

The motion carried with all voting aye, except Council Member Ryan who was absent.

At the request of Mayor Voepel, Communication from the Public was reordered to be heard next, before 6(A), to accommodate the speaker.

7. COMMUNICATION FROM THE PUBLIC:

- (A) Suzanne Michel spoke regarding Forester Creek and creek-side building.

Items 6(A) and 9(B) were heard concurrently.

6. NEW BUSINESS:

- (A) Review of the Proposed Fiscal Year 2007-08 and Fiscal Year 2008-09 Budget.
(Relates to Item 9A)**

9. COMMUNITY DEVELOPMENT COMMISSION:

- (A) Review of the Proposed Fiscal Year 2007-08 and Fiscal Year 2008-09 Budget.
(Relates to Item 6A)**

City Manager Till noted this is Council's initial review of the proposed revenue and expenditure plan for the next two-year budget cycle. After incorporating Council's comments, the budget will come back to the next meeting for adoption. Director of Finance McDermott presented an overview of the proposed budgets utilizing a PowerPoint presentation and answered Council's questions.

During discussion, Council made the following comments:

- ◆ Requested a copy of the detailed property tax report.
- ◆ Requested an update of the CIP projects in process be included with the capital improvement projects [CIP] budget report.
- ◆ Should the Law enforcement budget be increased?
- ◆ Should a red-light camera be installed at the intersection of Mission Gorge Road and Cuyamaca Street to prevent cars from running the red lights? If so, could it be funded through CIP?

6. NEW BUSINESS:

- (B) Item was reordered and heard before 6(A).**

7. COMMUNICATION FROM THE PUBLIC: Item was reordered and heard before 6(A).

8. CITY MANAGER REPORTS: None

9. COMMUNITY DEVELOPMENT COMMISSION:

(Note: Minutes appear as Item 1B)

- (A) Item reordered to be heard concurrently with Item 6(A).**

10. SANTEE PUBLIC FINANCING AUTHORITY:
(Note: Minutes appear as Item 1B)

11. CITY ATTORNEY REPORTS: None

12. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:47 p.m.

Date Approved:

Linda Troyan, Commission Secretary
and for Authority Secretary Keith Till

MEETING DATE

June 27, 2007

AGENDA ITEM NO. 1C**ITEM TITLE** PAYMENT OF DEMANDS**DIRECTOR/DEPARTMENT**

Tim K. McDermott/Finance

SUMMARY

A listing of checks that have been disbursed since the last Council meeting is submitted herewith for approval by the City Council.

FINANCIAL STATEMENT

Adequate budgeted funds are available for the payment of demands per the attached listing.

RECOMMENDATION

Approval of the payment of demands as presented.

ATTACHMENTS (Listed Below)

- 1) Payment of Demands-Summary of Checks Issued
- 2) Disbursement Journal

Payment of Demands
Summary of Checks Issued

<u>Date</u>	<u>Description</u>	<u>Amount</u>
06/06/07	Accounts Payable	\$ 417,271.75
06/13/07	Accounts Payable	1,241,987.94
06/21/07	Payroll	<u>431,533.33</u>
	TOTAL	<u>\$2,090,793.02</u>

I hereby certify to the best of my knowledge and belief that the foregoing demands listing is correct, just, conforms to the approved budget, and funds are available to pay said demands.

Tim K. McDermott, Director of Finance

MEETING DATE June 27, 2007

AGENDA ITEM NO. 1D

ITEM TITLE APPROVAL OF THE EXPENDITURE OF \$112,517.25 TO PAY FOR MAY 2007 LEGAL SERVICES AND RELATED COSTS, AND THE APPROPRIATION OF FUNDS

DIRECTOR/DEPARTMENT Tim K. McDermott, Director of Finance

SUMMARY

Legal service billings proposed for payment for the month of May 2007 total \$112,517.25 as follows:

- 1) General Retainer Services - \$13,587.34
- 2) Labor & Employment - \$2,689.10
- 3) Litigation & Claims - \$15,592.20 (includes \$3,579.30 in outside consultant services for the power plant matter)
- 4) Special Projects (General Fund) - \$20,902.89
- 5) Community Development Commission - \$10,283.00 (includes \$9,639.00 in outside consultant services for the Las Colinas expansion matter)
- 6) Community Development Commission – Housing (MHFP litigation) - \$39,605.91 (includes \$3,550.00 in outside consultant services)
- 7) Applicant Initiated Projects (paid from developer deposits) - \$9,856.81

FINANCIAL STATEMENT

Account Description: Legal Services

Account Number: Various accounts

	<u>AMOUNT</u>	<u>BALANCE</u>
General Fund:		
Original Budget	\$326,000.00	
Revised Budget	500,000.00	
Prior Expenditures	(422,243.88)	
Current Request	(52,771.53)	\$ 24,984.59

Special Services (excluding applicant initiated items):

Original Budget	\$ 232,000.00	
Revised Budget	338,084.50	
Prior Expenditures	(292,324.23)	
Current Request	(49,888.91)	\$ (4,128.64)

RECOMMENDATION

1. Approve the expenditure of \$112,517.25 for May 2007 legal services and related costs.
2. Appropriate \$46,000 from the Housing Set Aside Fund reserves for estimated expenditures through June 30, 2007.

ATTACHMENTS (Listed Below)

- 1) Legal Services Billing Summary

MEETING DATE: June 27, 2007

AGENDA ITEM NO.

ITEM TITLE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DESCRIBING THE PROGRAM OF THE CITY OF SANTEE COMMUNITY REDEVELOPMENT COMMISSION REGARDING THE USE OF EMINENT DOMAIN AND AUTHORIZING THE RECORDING OF A REVISED STATEMENT OF PROCEEDINGS, AS REQUIRED BY SENATE BILLS 53 AND 1809

DIRECTOR/DEPARTMENT Linda A. Troyan, MMC, City Clerk

SUMMARY

The introduction and first reading of the above-entitled Ordinance was approved at a Regular Council Meeting on June 13, 2007.

The Ordinance is now presented for second reading by title only, and adoption.

Vote at First Reading:	AYES:	DALE, JONES, MINTO, VOEPEL
	NOES:	NONE
	ABSENT:	RYAN

FINANCIAL STATEMENT N/A

RECOMMENDATION

Approve Ordinance for adoption.

ATTACHMENTS (Listed Below)

Ordinance

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE,
CALIFORNIA, DESCRIBING THE PROGRAM OF THE CITY OF SANTEE COMMUNITY
REDEVELOPMENT COMMISSION REGARDING THE
USE OF EMINENT DOMAIN AND AUTHORIZING THE RECORDING
OF A REVISED STATEMENT OF PROCEEDINGS**

WHEREAS, the City Council of the City of Santee, hereinafter referred to as the "City Council," established the Santee Community Redevelopment Project and approved a Redevelopment Plan for the Community Redevelopment Project by Ordinance No. 58, dated July 20, 1982; and

WHEREAS, the City Council, via Ordinance No. 392, dated September 8, 1999, amended the Redevelopment Plan for the Santee Community Redevelopment Project ("First Amendment") to extend the time limit to incur debt; and

WHEREAS, the City Council, via Ordinance No. 393, dated October 13, 1999, amended the Redevelopment Plan for the Santee Community Redevelopment Project ("Second Amendment") to increase the bonded indebtedness limit; and

WHEREAS, the City Council, via Ordinance No. 394, dated October 13, 1999, amended the Redevelopment Plan for the Santee Community Redevelopment Project ("Third Amendment") to reinstate eminent domain authority; and

WHEREAS, the City Council, via Ordinance No. 330, dated November 23, 1994, amended the Redevelopment Plan for the Santee Community Redevelopment Project (no formal amendment number was assigned) to add certain time limitations as mandated by Section 33333.6 of the California Community Redevelopment Law (added by Chapter 942, 1993 Statutes); and

WHEREAS, the City Council, via Ordinance No. 423, dated July 10, 2002, amended the Redevelopment Plan for the Santee Community Redevelopment Project ("Fourth Amendment" and "Fifth Amendment") to delete certain property from the Redevelopment Plan for the Santee Community Redevelopment Project Area ("Project Area"), replace the previous amended Redevelopment Plan with an amended and restated Redevelopment Plan, and add certain land to the Project Area; and

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) ("CRL") the Community Development Commission of the City of Santee ("Redevelopment Agency") is engaged in activities necessary to execute and implement the Redevelopment Plan for the Santee Community Redevelopment Project, as amended pursuant to the above-described actions ("Redevelopment Plan"); and

WHEREAS, SB 53, codified in part at Health and Safety Code section 33342.7, requires all legislative bodies that adopted a final redevelopment plan before January 1, 2007, to adopt an ordinance on or before July 1, 2007 describing the Redevelopment Agency's program to acquire real property by eminent domain; and

WHEREAS, at the City's discretion, the ordinance may, but is not required to, set forth any limitations under the Redevelopment Plan on the Redevelopment Agency's power of eminent domain; and

WHEREAS, SB 1809, codified in part at Health and Safety Code section 33373, requires any redevelopment agency authorized by a redevelopment plan adopted on or before December 31, 2006 to acquire property by eminent domain to cause a revised statement of proceedings to be recorded with the county recorder of the county in which the project area is located, containing specific information set forth in Section 33373(a) and (b) ("Revised Statement of Proceedings"), on or before December 31, 2007, and the Redevelopment Agency is prohibited from commencing further actions in eminent domain until the Revised Statement of Proceedings has been recorded; and

WHEREAS, City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project within the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA"); and

WHEREAS, pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of San Diego, pursuant to CEQA, the State CEQA Guidelines and the County's Local CEQA Guidelines,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds that the foregoing recitals are true and correct.

Section 2. The City Council approves the following program regarding the Redevelopment Agency's use of the power of eminent domain within the Project Area:

"The Redevelopment Agency is authorized to acquire real property by eminent domain pursuant to the provisions of this Plan and the Redevelopment Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Redevelopment Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill."

Section 3. The following restrictions shall apply to the use of the power of eminent domain by the Redevelopment Agency within the territory added to the Project Area by the Fifth Amendment:

(a) The power of eminent domain shall not apply to any residential property located within the territory added to the Redevelopment Plan through the Fifth Amendment that as of the date of adoption of the Fifth Amendment is zoned R-1, R-2, R-7 or R-14 and on which an occupied residential use legally existed as of the date of adoption of the Fifth Amendment.

(b) The power of eminent domain shall not apply to any property that (1) is owned as of the date of the adoption of the Fifth Amendment by a non-profit entity, charitable organization or social or religious institution, (2) is used as nonprofit, special use property as defined in Code of Civil Procedure section 1235.155, (3) is located within the new territory added to the Redevelopment Plan through the Fifth Amendment, and (4) as of the date of adoption of the Fifth Amendment is zoned R-1, R-2, R-7 or R-14.

(c) The power of eminent domain shall not apply to any property located within the territory added to the Redevelopment Plan through the Fifth Amendment that as of the date of adoption of the Fifth Amendment is an existing and owner-occupied, legal non-conforming residential use on property that as of the date of adoption of the Fifth Amendment is zoned IL or IG and which has been owned by the current owner-occupant of the property for an uninterrupted period since the date the property first became non-conforming.

(d) No eminent domain proceeding to acquire property within the territory added to the Redevelopment Plan through the Fifth Amendment shall be commenced after twelve (12) years following the effective date of the ordinance approving and adopting the Fifth Amendment to the Redevelopment Plan; and for the remainder of the Project Area, after October 13, 2011. Such time limitations may be extended only by amendment of the Redevelopment Plan.

(e) If the power of eminent domain is used by the Redevelopment Agency to acquire property located within the new territory added to the Redevelopment Plan through the Fifth Amendment which is owned by a non-profit entity, charitable organization or social or religious institution and is used as nonprofit, special use property as defined in Code of Civil Procedure section 1235.155, the property shall be valued for acquisition purposes solely under the replacement cost valuation approach.

Section 4. The Executive Director of the Commission is hereby directed to compile and incorporate the program adopted by this Ordinance into the Redevelopment Plan, as amended. The program shall not be revised except by amendment of the Redevelopment Plan.

Section 5. Agency Staff is hereby directed to record with the Clerk of San Diego County, the attached Revised Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33373, on or before December 31, 2007.

Section 6. The City Council hereby directs City staff to file a Notice of Exemption with the Clerk of San Diego County within five (5) days of the adoption of this Ordinance.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code § 36933.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, held the 13th day of June 2007, and thereafter **ADOPTED** at a Regular Meeting of said City Council held the ____ day of _____ 2007, by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

LINDA A. TROYAN, MMC, CITY CLERK

Attachments: Exhibit "A": Revised Statement of Proceedings for Recordation

RECORDING REQUESTED BY:

CITY OF SANTEE

WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF SANTEE
10601 MAGNOLIA AVENUE
SANTEE, CA 92071

No Transfer Tax Due

(This Space for Recorder's Use)

**NO RECORDING FEE REQUIRED; THIS DOCUMENT
EXEMPT FROM FEE PURSUANT TO SECTION 6103
OF THE CALIFORNIA GOVERNMENT CODE**

REVISED STATEMENT OF PROCEEDINGS

THE PROPERTY THAT IS THE SUBJECT OF THIS STATEMENT IS LOCATED WITHIN A REDEVELOPMENT PROJECT AREA, more specifically in the CITY OF SANTEE COMMUNITY REDEVELOPMENT PROJECT AREA.

Pursuant to California Community Redevelopment Law (California Health and Safety Code Sections 33000 et seq.), the City Council of the City of Santee established the Santee Community Redevelopment Project and approved the Santee Community Redevelopment Plan by Ordinance No. 58, dated July 20, 1982; and via Ordinance No. 423, dated July 10, 2002, amended the Santee Community Redevelopment Plan ("Fourth Amendment" and "Fifth Amendment") to delete certain property from the Santee Community Redevelopment Project Area ("Project Area"), replace the previous amended Santee Community Redevelopment Plan with an Amended and Restated Redevelopment Plan (hereinafter, the "Redevelopment Plan"), and add certain land to the Project Area. The Project Area, as amended, includes the property described in Exhibit "1" hereto. The City of Santee Community Development Commission ("Redevelopment Agency") is engaged in activities necessary to execute and implement the Redevelopment Plan.

The Redevelopment Agency is authorized to acquire real property by eminent domain pursuant to the provisions of the Redevelopment Plan and the Redevelopment Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Redevelopment Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.

Furthermore, within the territory added to the Project Area by the Fifth Amendment, the Redevelopment Plan restricts the Redevelopment Agency's power as follows: The power of eminent domain shall not apply to any residential property located within the territory added to the Redevelopment Plan through the Fifth Amendment that as of the date of adoption of the Fifth Amendment is zoned R-1, R-2, R-7 or R-14 and on which an occupied residential use legally existed as of the date of adoption of the Fifth Amendment. The power of eminent domain shall not apply to any property that (1) is owned as of the date of the adoption of the Fifth Amendment by a non-profit entity, charitable organization or social or religious institution, (2) is used as nonprofit, special use property as defined in Code of Civil Procedure section 1235.155, (3) is located within the new territory added to the Redevelopment Plan through the Fifth Amendment, and (4) as of the date of adoption of the Fifth Amendment is zoned R-1, R-2, R-7 or R-14. The power of eminent domain shall not apply to any property located within the territory added to the Redevelopment Plan through the Fifth Amendment that as of the date of adoption of the Fifth Amendment is an existing and owner-occupied, legal non-conforming residential use on property that as of the date of adoption of the Fifth Amendment is zoned IL or IG and which has been owned by the current owner-occupant of the property for an uninterrupted period since the date the property first became non-conforming. No eminent domain proceeding to acquire property within the territory added by the Fifth Amendment shall be commenced after twelve (12) years following the effective date of the ordinance approving and adopting the Fifth Amendment to the Redevelopment Plan; and for the remainder of the Amended Project Area, after October 13, 2011. Such time limitations may be extended only by amendment of the Redevelopment Plan. If the power of eminent domain is used by the Redevelopment Agency to acquire property located within new territory added to the Redevelopment Plan through the Fifth Amendment which is owned by a non-profit entity, charitable organization or social or religious institution and is used as nonprofit, special use property as defined in Code of Civil Procedure section 1235.155, the property shall be valued for acquisition purposes solely under the replacement cost valuation approach.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Santee, California, this _____ day of _____ 2007.

Linda Troyan

City Clerk of the City of Santee, California

Attachment: Exhibit 1, Legal Boundary Description

MEETING DATE: June 27, 2007

AGENDA ITEM NO.

ITEM TITLE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, ADDING CHAPTER 5.15 TO THE SANTEE MUNICIPAL CODE ESTABLISHING FRANCHISE AND PEG FEES AND CUSTOMER SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICE WITHIN THE CITY OF SANTEE

DIRECTOR/DEPARTMENT Linda A. Troyan, MMC, City Clerk

SUMMARY

The introduction and first reading of the above-entitled Ordinance was approved at a Regular Council Meeting on June 13, 2007.

The Ordinance is now presented for second reading by title only, and adoption.

Vote at First Reading:	AYES:	DALE, JONES, MINTO, VOEPEL
	NOES:	NONE
	ABSENT:	RYAN

FINANCIAL STATEMENT N/A

RECOMMENDATION

Approve Ordinance for adoption.

ATTACHMENTS (Listed Below)

Ordinance

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE,
CALIFORNIA, ADDING CHAPTER 5.15 TO THE SANTEE MUNICIPAL
CODE ESTABLISHING FRANCHISE AND PEG FEES AND CUSTOMER
SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS PROVIDING
VIDEO SERVICE WITHIN THE CITY OF SANTEE**

WHEREAS, new state law, the Digital Infrastructure and Video Competition Act of 2006 (AB 2987) went into effect January 1, 2007;

WHEREAS, under the new state law, the State of California shall have sole franchising authority for new video service providers within the City of Santee; and

WHEREAS, the City of Santee, although not the franchising authority, will acquire certain rights and responsibilities with respect to the new state video franchise holders; and

WHEREAS, pursuant to AB 2987, certain rights and responsibilities must be established by local ordinance before they may become effective and enforceable against state video franchise holders; and

WHEREAS, the City of Santee shall receive a fee of 5% of gross revenues of each state video franchisee which operates within the City of Santee for use of the public rights-of-way; and

WHEREAS, the City of Santee shall receive an additional fee of 1% of gross revenues of each state video franchisee which operates within the City of Santee for Public, Educational and Government ("PEG") purposes; and

WHEREAS, the City of Santee may audit the business records of a state video franchisee once annually to ensure compliance with the payment of the franchise and PEG fees; and

WHEREAS, the City of Santee may establish and enforce penalties against state video franchisees for violations of customer service rules consistent with state law; and

WHEREAS, the City of Santee will retain authority, without change, over the City's current cable franchisee until such time as it no longer holds a City franchise, or is no longer operating under a current or expired City franchise; and

WHEREAS, the terms "video service" and "video franchise" shall have the same meaning as the terms "cable service" and "franchise" as defined in Santee Municipal Code section 5.14.010.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA,
DOES ORDAIN AS FOLLOWS:**

Section 1. The following Chapter is hereby added to the Santee Municipal Code:

Chapter 5.15: Regulation of State Video Franchise Holders

Section 5.15.010 "Purpose and Authority"

This Chapter is designed to regulate video service providers holding state video franchises and operating within the City. As of January 1, 2007, the State of California has the sole authority to grant state video franchises pursuant to the Digital Infrastructure and Video Competition Act of 2006 ("Act"). Pursuant to the Act, the City of Santee shall receive a franchise fee and shall receive a fee for public, educational and government ("PEG") purposes from all state video franchise holders operating within the City. Additionally, the City will acquire the responsibility to establish and enforce penalties, consistent with state law, against all state video franchise holders operating within the City for violations of customer service standards, but the Act grants all authority to adopt customer service standards to the state. The Act leaves unchanged the City's authority to regulate the City's current cable franchise in accordance with Chapter 5.14 of this Code and the cable franchise currently in effect until such time as the cable franchisee no longer holds a City franchise or is no longer operating under a current or expired City franchise.

Section 5.15.020 "State Video Franchise and PEG Fees"

- (a) For any state video franchise holder operating within the boundaries of the City of Santee, there shall be a fee paid to the City equal to five percent (5%) of the gross revenue of that state video franchise holder.
- (b) For any state video franchise holder operating within the boundaries of the City of Santee, there shall be an additional fee paid to the City equal to one percent (1%) of the gross revenue of that state video franchise holder, which fee shall be used by the City for PEG purposes consistent with state and federal law.
- (c) Gross revenue, for the purposes of (a) and (b) above, shall have the definition set forth in California Public Utilities Code 5860.

Section 5.15.030 "Audit Authority"

Not more than once annually, the City Manager or his designee may examine and perform an audit of the business records of all holders of a state video franchise operating within the boundaries of the City of Santee to ensure compliance with Section 5.15.020 of this Code.

Section 5.15.040 "Customer Service Penalties Under State Video Franchises"

(a) Any holder of a state video franchise operating within the boundaries of the City of Santee shall comply with all applicable state and federal customer service and protection standards pertaining to the provision of video service.

(b) The City Manager shall monitor the compliance of holders of a state video franchise operating within the boundaries of the City of Santee with respect to state and federal customer service and protection standards. The City Manager will provide the state video franchise holder written notice of any material breaches of applicable customer service standards, and will allow the state video franchise holder 30 days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied within the 30-day time period will be subject to the following penalties to be imposed by the City:

(1) For the first occurrence of a violation, a fine of \$500.00 shall be imposed for each day the violation remains in effect, not to exceed \$1,500.00 for each violation.

(2) For a second violation of the same nature within 12 months, a fine of \$1,000.00 shall be imposed for each day the violation remains in effect, not to exceed \$3,000.00 for each violation.

(3) For a third or further violation of the same nature within 12 months, a fine of \$2,500.00 shall be imposed for each day the violation remains in effect, not to exceed \$7,500.00 for each violation.

(c) A holder of a state video franchise operating within the boundaries of the City of Santee may appeal a penalty assessed by the City Manager to the City Council within 60 days of the initial assessment. The City Council shall hear all evidence and relevant testimony and may uphold, modify or vacate the penalty. The City Council's decision on the imposition of a penalty shall be final.

Section 5.15.050 "City Response to State Video Franchise Applications"

(a) Applicants for state video franchises within the boundaries of the City of Santee must concurrently provide complete copies to the City of any application or amendments to applications filed with the PUC. At a minimum, one complete copy must be provided to the City Manager.

(b) Within 30 days of receipt, the City Manager will provide any appropriate comments to the PUC regarding an application or an amendment to an application for a state video franchise.

Section 2. If any section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council of the City of Santee hereby declares that it would have passed this ordinance and adopted this Chapter and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 3. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted or published in the manner as required by law.

Section 4. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, held the 13th day of June 2007, and thereafter **ADOPTED** at a Regular Meeting of said City Council held the ____ day of _____ 2007, by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

LINDA A. TROYAN, MMC, CITY CLERK

MEETING DATE

June 27, 2007

AGENDA ITEM NO. 1G**ITEM TITLE**

CITY COUNCIL AUTHORIZATION OF AMENDMENT NO. 1 TO SAN DIEGO REGIONAL STORM WATER COPERMITTEES MEMORANDUM OF UNDERSTANDING.

DIRECTOR/DEPARTMENT

Gary Halbert/Development Services

SUMMARY

This item requests City Council authorization to execute Amendment No. 1 to the Memorandum of Understanding with the San Diego Regional Storm Water Copermittees as it relates to joint funding of copermittees obligations under the San Diego Regional National Pollutant Discharge Permit Elimination System (NPDES) Storm Water Permit.

On December 3, 2001 the County of San Diego, and Cities within the County, entered into a Memorandum of Understanding with regard to joint funding obligations under San Diego Regional Water Quality Control Board's NPDES Permit No. 2001-01 as it pertained to implementation of a region wide Storm Water Management Plan.

On January 24, 2007 the San Diego Regional Water Quality Control Board issued a new permit, NPDES Permit No. R9-2007-0001. The new permit also requires development of a region wide approach to storm water management with the development of a Hydromodification Management Plan (HMP). The HMP must be implemented by January, 2008.

The cost to develop the HMP is estimated to be between \$1,000,000 and \$1,250,000. The City's portion of the cost under the amendment is estimated to be between \$18,000 and \$23,000.

ENVIRONMENTAL REVIEW

N/A

FINANCIAL STATEMENT

Funds to cover the cost of the City's portion of the HMP are included in the proposed FY 2007-08, Zone 2 Flood Control District budget.

RECOMMENDATION

Authorize the City Manager to execute Amendment No. 1 on behalf of the City of Santee and authorize the expenditure of up to \$25,000 to cover the City's share of the cost to develop the Hydromodification Management Plan.

ATTACHMENTS (Listed Below)

None

MEETING DATE

June 27, 2007

AGENDA ITEM NO.**ITEM TITLE****ENHANCED STREET MAINTENANCE, CIP 2007-07 BID RESULTS****DIRECTOR/DEPARTMENT**

Gary Halbert, Development Services

SUMMARY

This item requests City Council reject all bids on CIP 2007-07, Enhanced Street Maintenance and authorize staff to re-bid the project.

The Enhanced Street Maintenance project includes roadway patching for deteriorated major roadways including, Mission Gorge Road, Cuyamaca Street, Mast Boulevard, and Woodside Avenue.

On May 22, 2007 the City received 5 bids from general contractors with the low bid from Frank & Son Paving, Inc. On May 25, 2007 the City received a letter from Frank & Son Paving in which they stated that they had made a substantial error on their submitted bid and requested to withdraw their bid. After review of the low bid by staff and consultation with the City Attorney, staff has determined that the error is substantial and has allowed Frank & Son Paving, Inc. to withdraw their bid. Review of the bids also shows that the second low bidder also made a substantial error on their bid for the unit price of Alternate Bid Item #1.

Due to the multiple bid errors staff recommends rejecting all bids and re-bidding the project.

FINANCIAL STATEMENT

N/A

RECOMMENDATION

Reject all bids for Enhanced Street Maintenance project CIP 2007-07 and authorize staff to re-bid the project.

ATTACHMENTS

Bid Summary

MEETING DATE

June 27, 2007

AGENDA ITEM NO. 11

ITEM TITLE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE,
CALIFORNIA LEVYING CHARGES FOR FIRE SUPPRESSION SERVICE FOR FISCAL
YEAR 2007/2008

DIRECTOR/DEPARTMENT Chief Mike Rottenberg, Fire Department

SUMMARY

Each year the City levies a Fire Benefit Fee. This is based on a levy of \$4.10 per benefit unit or an annual charge of \$41.00 for a single family dwelling. The fee is at its maximum and represents no change over FY 2006/2007. The fee will provide funding to maintain current Fire and Rescue service levels. As in FY 2006/2007, the Finance Director will keep a complete record of expenditures from the Fire Suppression Availability Charge.

FINANCIAL STATEMENT

Approximately \$876,000 is expected to be received in FY 2007-08 as a result of the Fire Benefit Fee levy.

RECOMMENDATION

Adopt Resolution

ATTACHMENTS (Listed Below)

Resolution

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SANTEE, CALIFORNIA, LEVYING CHARGES FOR FIRE
SUPPRESSION SERVICE FOR FISCAL YEAR 2007/2008**

WHEREAS, a proposition authorizing the levying of charges for fire suppression service pursuant to Government Code Sections 53972-77 was approved by the voters of the Santee Fire Protection District at an election held on April 9, 1980; and

WHEREAS, the Santee Fire Protection District merged with the City of Santee on April 8, 1985 with the City of Santee assuming full financial responsibility for the former Fire Protection District to include the ability to levy the assessment for fire suppression service; and

WHEREAS, the City Council of the City of Santee desires to levy charges for fire suppression service for fiscal year 2007/2008.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santee approves the levying of annual fire suppression service charges for fiscal year 2007/2008 in the amount of \$4.10 per benefit unit and that all benefit receipts shall be used exclusively to provide fire suppression services.

ADOPTED by the City Council of the City of Santee, California, at a regular meeting thereof held this 27th day of June 2007, by the following roll call vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

LINDA TROYAN, CITY CLERK

MEETING DATE June 27, 2007

AGENDA ITEM NO. 1J

ITEM TITLE EXTENSION OF THE STREET LIGHT MAINTENANCE
CONTRACT WITH SOUTHWEST SIGNAL SERVICE,
INCORPORATED, THROUGH FY 2007-08.

DIRECTOR/DEPARTMENT Gary Halbert, Development Services

SUMMARY

This item requests City Council approve an extension to the Street Light Maintenance contract for FY 2007-08.

The City's Street Light Maintenance contract with Southwest Signal Service, Incorporated of El Cajon, California, needs to be extended to cover the upcoming fiscal year. This is the second of four annual extensions allowed under the current contract which was awarded by the City Council in June 2005.

Santee is part of a five City Consortium which jointly contracts for street light maintenance. Other participating cities include El Cajon, La Mesa, Lemon Grove, and Poway. Since the effective date of the current contract agreement of July 1, 2005, Southwest Signal Service, Incorporated has performed street light maintenance services for the City of Santee in a satisfactory manner.

For this upcoming fiscal year, Southwest Signal Service, Incorporated has requested a three and four tenths percent (3.4%) increase above last year's contract price of \$50,250 for a FY 2007-08 contract amount of \$51,958. This increase conforms to the 2006 Consumer Price Index for San Diego County. The contract includes all regular maintenance related work.

ENVIRONMENTAL REVIEW

Categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15301 - Class 1 Exemption.

FINANCIAL STATEMENT

\$84,900 is included in the FY2007-2008 Special Street Lighting and Roadway Lighting District Funds budget, which covers the contract cost plus bulb and equipment replacements and unanticipated emergency work such as street light pole knockdowns.

RECOMMENDATION

Approve the extension of the Street Light Maintenance contract to Southwest Signal Service, Incorporated, in the amount of \$51,958, authorize the City Manager to sign the Notice of Extension and execute change orders for unanticipated emergency work such as knockdowns up to the budgeted amount of \$84,900 as necessary.

ATTACHMENTS (Listed Below)

None

MEETING DATE

June 27 , 2007

AGENDA ITEM NO. 1K**ITEM TITLE****EXTENSION OF THE TRAFFIC SIGNAL AND COMMUNICATION SYSTEMS MAINTENANCE CONTRACT WITH REPUBLIC ITS, INCORPORATED, THROUGH FY2007-08.****DIRECTOR/DEPARTMENT**

Gary Halbert, Development Services

SUMMARY

This item requests City Council approve an extension to the Traffic Signal and Communication Systems Maintenance contract for FY 2007-08.

The City's Traffic Signal and Communication Systems Maintenance contract with Republic ITS, Incorporated of Novato, California, needs to be extended to cover the upcoming fiscal year. This is the second of four annual extensions allowed under the current contract which was awarded by the City Council in June 2005.

Santee is part of a five City Consortium which jointly contracts for the maintenance of traffic signals and related communication systems. Other participating cities include El Cajon, La Mesa, Lemon Grove, and Poway. Since the effective date of the current agreement of July 1, 2005, Republic ITS, Incorporated, has performed traffic signal and communication systems maintenance services for the City of Santee in a satisfactory manner.

For this upcoming fiscal year, Republic ITS, Incorporated has requested a three and four tenths percent (3.4%) increase above last year's contract price of \$122,600 for the contract a FY 2007-08 contract amount of \$126,768. This increase is consistent with the increase in the 2006 Consumer Price Index for San Diego County. The contract includes all regular maintenance work, construction and emergency related work.

ENVIRONMENTAL REVIEW

Categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15301 - Class 1 Exemption.

FINANCIAL STATEMENT

\$131,500 is included in the FY2007-2008 Gas Tax Fund budget, which covers the contract work, plus unanticipated emergency work such as traffic signal knockdowns and replacements of signal heads and detector loops.

RECOMMENDATION

Approve the extension of the Traffic Signal and Communication Systems Maintenance contract to Republic ITS, Incorporated, in the amount of \$126,768; authorize the City Manager to sign a Notice of Extension and execute change orders for unanticipated knockdowns and other related emergency work up to the budgeted amount of \$131,500 as necessary.

ATTACHMENTS (Listed Below)

None.

MEETING DATE

June 27, 2007

AGENDA ITEM NO. 1L**ITEM TITLE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE
ESTABLISHING THE APPROPRIATIONS LIMIT FOR FY 2007-08****DIRECTOR/DEPARTMENT**

Tim K. McDermott, Finance

SUMMARY

In accordance with Article XIII-B of the California Constitution, as amended, the City Council is required to adopt by resolution an appropriations limit prior to the beginning of each fiscal year. The appropriations limit creates a restriction on the amount of revenue that can be appropriated in any fiscal year. Not all revenues are restricted by the limit, only those which are considered to be proceeds of taxes.

The appropriations limit is adjusted each year based on a combination of population and inflation or assessed valuation factors. Using population and per capita personal income data provided by the State Department of Finance, the City's appropriation limit for FY 2007-08 has been calculated to be \$168,881,653. Appropriations subject to the limit total \$23,072,406, which is \$145,809,247 less than the calculated limit. Additional appropriations in FY 2007-08 funded by non-tax sources such as service charges, restricted revenues from other agencies, or grants would be unaffected by the appropriation limit. However, any supplemental appropriations funded through increased tax sources could not exceed the \$145,809,247 variance indicated above. Based on the amount of this variance, it is virtually certain that the City's appropriation limit will not be exceeded in the foreseeable future.

FINANCIAL STATEMENT

The appropriations limit for FY 2007-08 will be \$168,881,653.

RECOMMENDATION

Adopt a resolution establishing the appropriations limit for FY 2007-08.

ATTACHMENTS (Listed Below)

Resolution

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE
ESTABLISHING THE APPROPRIATIONS LIMIT FOR FY 2007-08**

WHEREAS, Article XIII-B of the California State Constitution as amended requires local jurisdictions to annually adjust their appropriations limit for inflation and population changes; and

WHEREAS, the City has received population and per capita personal income data from the State Department of Finance, used to calculate the FY 2007-08 appropriations limit; and

WHEREAS, the required calculations to determine the appropriations limit for FY 2007-08 have been performed by the Finance Department and are on file with the office of the City Clerk and are available for public review; and

WHEREAS, these calculations are provided on Exhibit "A", which is herein incorporated by reference and attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Santee that the appropriations limit for FY 2007-08 shall be \$168,881,653 based upon the calculations provided on Exhibit "A".

PASSED, APPROVED AND ADOPTED by the City Council of the City of Santee, California, at a regular meeting thereof held this _____ day of _____, 2007, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

LINDA A. TROYAN, CITY CLERK

Attachment: Exhibit A

MEETING DATE

JUNE 27, 2007

AGENDA ITEM NO. 1M

ITEM TITLE

**RESOLUTION OF THE CITY COUNCIL AUTHORIZING AN
APPLICATION TO THE CALIFORNIA ENERGY COMMISSION'S
ENERGY PARTNERSHIP PROGRAM**

DIRECTOR/DEPARTMENT

John W. Coates, Community Services

SUMMARY

The City Council directed staff to investigate the possibility of installing a photovoltaic system at City Hall. City staff contacted the State Energy Commission to seek technical assistance.

The California Energy Commission offers the Energy Partnership Program to target energy efficiency improvements of an existing facility. The Program can identify energy-related projects that can be implemented immediately as part of a comprehensive energy program. The Energy Partnership Program can identify State loans and other financing mechanisms to get these projects installed.

In order to offer technical assistance, an Energy Partnership Program application with an accompanying resolution must be submitted to the California Energy Commission.

In addition to authorizing the application to the Energy Commission for technical assistance, the resolution will also authorize the City Manager, or designee, to execute in the name of the City of Santee all necessary applications for contracts, agreements and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant applications.

FINANCIAL STATEMENT

N/A

RECOMMENDATION

Adopt the attached resolution authorizing the application to the California Energy Commission's Energy Partnership Program and authorizing the City Manager, or designee, to execute in the name of the City of Santee all necessary applications for technical assistance, contracts, agreements and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant applications.

ATTACHMENTS (Listed Below)

Resolution

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE,
CALIFORNIA, AUTHORIZING AN APPLICATION TO THE CALIFORNIA
ENERGY COMMISSION'S ENERGY PARTNERSHIP PROGRAM**

WHEREAS, The California Energy Commission's Energy Partnership Program provides technical assistance in identifying energy efficient improvements; and

WHEREAS, the City of Santee recognizes that the California Energy Commission has limited funds for technical assistance and that primary consideration will be given to those that are committed to implementing the recommended projects identified through the Energy Partnership Program; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Santee, California, will seek funding, if necessary, to implementing the recommended feasible energy efficiency projects identified through the Energy Partnership Program.

BE IT FURTHER RESOLVED that the City Manager of the City of Santee, or designee, is hereby authorized and empowered to execute in the name of the City of Santee all necessary applications for technical assistance, contracts, agreements and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant applications.

ADOPTED by the City Council of the City of Santee, California, at a regular meeting thereof held this _____ day of _____, 2007, by the following roll call vote to wit:

AYES:

NOES:

ABSTAIN:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

LINDA TROYAN, CITY CLERK

MEETING DATE

June 27, 2007

AGENDA ITEM NO.**ITEM TITLE**

**RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE
BLACK HORSE ESTATES SUBDIVISION (TM 2000-02).
LOCATION: NORTH SIDE OF RATTLESNAKE MOUNTAIN SOUTH OF
THE SOUTHERLY TERMINUS OF NORTHCOTE ROAD**

DIRECTOR/DEPARTMENT

Gary Halbert, Development Services

SUMMARY

The public improvements constructed by Santee Partners, LLC as a part of the Black Horse Estates development are complete and ready for acceptance and incorporation into the City maintained street system.

All required improvements have been constructed in accordance with the Resolution of Approval, the accepted plans and to the satisfaction of the Director of Development Services.

Attached is a resolution accepting the public improvements.

ENVIRONMENTAL REVIEW

Environmental review was completed at the time of development review approval.

FINANCIAL STATEMENT

Acceptance of these public improvements will result in a minor increase in City street maintenance costs. These costs will be offset by increased tax revenues.

RECOMMENDATION

Adopt the attached resolution

ATTACHMENTS (Listed Below)

Resolution

Vicinity Map

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE BLACK HORSE ESTATES SUBDIVISION (TM 2000-02). LOCATION: NORTH SIDE OF RATTLESNAKE MOUNTAIN SOUTH OF THE SOUTHERLY TERMINUS OF NORTHCOTE ROAD

WHEREAS, Santee Partners, LLC, the developer of the Black Horse Estates, entered into an improvement agreement to construct certain public improvements; and

WHEREAS, the public improvements are constructed according to the improvement agreement, accepted plans and to the satisfaction of the Director of Development Services; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Santee, California, does hereby accept the public improvements and incorporates them into the City's maintained street system.

BE IT FURTHER RESOLVED that the City Council does hereby direct the City Clerk to release 90 percent of the faithful performance bond and retain 10 percent for 12 months as a warranty bond, and retain the labor and material bond for six months. The retained bonds shall be released upon approval of the Director of Development Services.

ADOPTED by the City Council of the City of Santee, California, at a regular meeting thereof held this 27th of June 2007, by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

LINDA A. TROYAN, CITY CLERK

MEETING DATE

June 27, 2007

AGENDA ITEM NO.**ITEM TITLE**

REVIEW OF THE 2007 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) APPLICATION AND AUTHORIZATION TO SUBMIT THE APPLICATION IN ACCORDANCE WITH PROGRAM REQUIREMENTS

DIRECTOR/DEPARTMENT

Kathy Valverde, Assistant to the City Manager

SUMMARY

The City of Santee has applied for and received law enforcement grant funds from the U.S. Department of Justice for many years. The current program, known as the Edward Byrne Memorial Justice Assistance Grant (JAG), may be used for law enforcement, prosecution and court, prevention and education, corrections, drug treatment, and planning, evaluation and technology improvement programs. The grant process requires that the application be made available for review by the governing body and for public comment prior to submission.

Under the 2007 JAG program, the City of Santee is eligible to receive \$16,211. No matching funds are required. Staff recommends that the funds be used to purchase security equipment as part of the City's on-going effort to reduce crime and enhance safety at specific locations throughout the City. It is anticipated that one to two wireless security cameras will be placed within our City parks, similar to the cameras currently located in Mast Park and Shadow Hill Park. It is also anticipated that a video surveillance system will be installed at the City's new Public Works Operations Center, which has already experienced vandalism to the entry sign.

FINANCIAL STATEMENT

Under the Fiscal Year 2007 JAG program, the City of Santee is eligible to receive \$16,211. Ten percent of these funds can be used by the City for costs associated with administering the grant. No matching funds are required.

RECOMMENDATION

Receive comments from the public, if any, and authorize the City Manager to apply for 2007 JAG funds subject to all program requirements.

ATTACHMENTS

1. Proposed Grant Application with Attachments
2. Previous Law Enforcement Grant-Funded Projects

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE		State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier
5.APPLICANT INFORMATION			
Legal Name City of Santee		Organizational Unit City Manager's Office	
Address 10601 Magnolia Avenue Santee, California 92071-1222		Name and telephone number of the person to be contacted on matters involving this application Valverde, Kathy (619) 258-4100	
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 95-3559474		7. TYPE OF APPLICANT Municipal	
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT	
NUMBER:	16.738	Technical equipment and assistance for law enforcement programs	
CFDA TITLE:	EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM		
12. AREAS AFFECTED BY PROJECT City Parks and Facilities			
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF	
Start Date:	October 01, 2006	a. Applicant	
End Date:	September 30, 2010	b. Project	CA52
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
Federal	\$16,211	Program has not been selected by state for review	
Applicant	\$0		
State	\$0		
Local	\$0		
Other	\$0		
Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
TOTAL	\$16,211	N	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.			



CITY OF SANTEE

FY 2007 JAG EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Application Attachments

Program Narrative (Attachment 1)

Due to an increase in vandalism, graffiti and other area crimes, security cameras have been purchased and installed at various locations throughout the City. Cameras have been placed at City Hall, the City's Aquatic Center, the Santee Teen Center and two of the City's seven parks. Cameras are operated during non-business hours at City facilities and provide enhanced security for workers and users of those facilities. The security equipment also acts as a deterrent to crime and assists local law enforcement officials in their efforts to reduce crime and enhance safety throughout the community.

The City of Santee is in need of additional security equipment to continue in this effort. The 2007 JAG funds will be used to purchase one to two additional wireless cameras for City parks as well as a video surveillance system for the City's new Public Works Operations Center.

Budget Narrative (Attachment 2)

JAG funds will be used to purchase specific law enforcement equipment as outlined in the program narrative. If funds are remaining after the purchase of this equipment, no more than 10% of the awarded grant (\$1,621) will be used for administrative purposes associated with administering the JAG funds, including staff time to apply for the grant and to purchase the equipment.

Review Narrative (Attachment 3)

In accordance with program requirements, the 2007 JAG application was made available for review by the Santee City Council via memorandum not less than 30 days prior to submission of the application (memorandum attached). An opportunity for citizens to comment was also provided via a public City Council Meeting held June 27, 2007 (Council agenda statement attached).



CITY OF SANTEE

MAYOR
Randy Voepel

CITY COUNCIL
Jack E. Dale
Brian W. Jones
John W. Minto
Hal Ryan

CITY MANAGER
Keith Till

DATE: May 31, 2007

TO: Mayor and City Council

FROM: Kathy Valverde, Assistant to the City Manager
via Keith Till, City Manager

SUBJECT: 2007 Justice Assistance Grant

For many years the City of Santee has applied for and received law enforcement grant funds from the U.S. Department of Justice. Currently, these funds are provided through the Edward Byrne Memorial Justice Assistance Grant (JAG). Although funding has diminished over the years, the grant still provides additional monies for law enforcement purposes.

You are receiving this memo due to the requirements of the grant process, which requires that the application be made available for review by the governing body at least 30 days prior to submission. This item will come before City Council for public review and final approval in June.

Under the 2007 JAG program, the City of Santee is eligible to receive \$16,211. No matching funds are required. Staff recommends that the funds be used to purchase security equipment as part of the City's on-going effort to reduce crime and enhance safety at specific locations throughout the City. It is anticipated that one to two mobile security cameras will be placed within our City parks, similar to the cameras currently located in Mast Park and Shadow Hill Park. It is also anticipated that a video surveillance system will be installed at the City's new Operation Center, which has already experienced some vandalism.

Again, this item will be brought before City Council for public review and final approval in June 2007.

cc: City Manager
City Attorney

Attachment: Proposed Grant Application

Law Enforcement Grant-Funded Projects
1999 - present

	<u>Amount</u>
Wireless Security Cameras (Mast Park and Shadow Hill Park)	\$ 12,822
Structural Repairs to the City's Emergency Operations Center (Building 7)	10,713
City Hall Keyless Entry System (currently installed in Buildings 1 and 2)	13,937
Security Cameras (City Hall & Aquatic Center), including new lights at City Hall	68,832
Trolley Square Community Safety Center (start-up, tenant improvements)	30,338
Emergency Operations Center (network operating system, wireless network, network server, laptop computers, projector)	42,587
Emergency Generator for the Emergency Operations Center	48,176
Teen Center Security System (start-up: two cameras)	5,450
Fire Department	
Emergency Communications Equipment (satellite phones & airtime)	3,835
Network Connection from City Hall to Fire Stations	13,596
Public Access Defibrillators (two)	5,000
Digital Camera and supporting equipment	1,146
Crisis Management (handi-talkies)	9,519
Santee Sheriff Station	
Digital In-Car Camera System	5,010
Laser Speed Detection Gun	4,326
Crisis Management (laptop computers, handi-talkies)	23,740
Traffic Enforcement (speed trailer, radar guns, video cameras, color printer)	44,554
Crime Prevention (color printer, CD writer)	5,337
Evidence Documentation (digital cameras & supporting equipment)	25,351
Law Enforcement Presentations (paper and print cartridges)	2,824
Safety Equipment (raid vest covers)	1,517
Digital Crime Scene Photographic Management System (computers, software, digital cameras)	26,772
Surveillance System & associated equipment for undercover operations	10,006
Laser equipment for accident reconstruction	2,930
Accident Reconstruction Software	179
San Diego County Drug Court Program	11,818
TOTAL	\$ 430,314 ⁽¹⁾

⁽¹⁾ Includes any required City matching funds

MEETING DATE **JUNE 27, 2007**

AGENDA ITEM NO.

ITEM TITLE **AUTHORIZATION TO AWARD A CONTRACT FOR BALL FIELD
IMPROVEMENTS AT VARIOUS SANTEE SCHOOL DISTRICT SITES**

DIRECTOR/DEPARTMENT John W. Coates, Community Services

SUMMARY

In January 2006, the City Council approved a five year Capital Improvement Program (CIP) (Resolution 006-2006). Included within this CIP is a project for ball field improvements at various City parks and school sites. The project purpose is to increase the quality and capacity of athletic fields citywide. The ball fields chosen by the City and Santee School District staff are located at Carlton Hills, Carlton Oaks, Hill Creek, and Prospect Avenue schools. Currently, these ball fields and their amenities vary significantly in condition and playability. The improvement of the fields at the four school sites will result in new turf and backstops for thirteen (13) baseball/ softball practice fields and will also accommodate up to seven (7) soccer fields. Additional project benefits are:

- Water conservation provided at Carlton Hills and Prospect Avenue schools through the use of reclaimed water
- Reconstruction of irrigation systems thus reducing maintenance and repairs
- Upgraded backstops and benches which meet current safety standards
- Re-grading of play surfaces thus reducing risk of injuries and accidents from uneven surfaces

In compliance with the City's purchasing ordinance, the Community Services Department administered a formal bid process to implement a contract for playfield upgrades at the four school sites. On June 19, 2007, four bids were received on time and publicly opened and revealed. One bid was delivered late and returned unopened. The four bids are:

Mission Valley Landscape Co.	\$937,990.00
Brickman	\$981,482.18
Badii Enterprises INC. Inc.	\$1,059,190.00
3D Enterprises	\$1,147,000.00

Based on the requirements for lowest responsive responsible bidder, staff recommends awarding the contract to the low bidder, Mission Valley Landscape Company in the amount of \$937,990.00.

FINANCIAL STATEMENT

The \$937,990.00 in funding for this contract is included in the adopted Capital Improvement Program.

RECOMMENDATION

Award the contract to the low bidder, Mission Valley Landscape Company for an amount not to exceed \$937,990.00 for FY07-08 and authorize the City Manager to execute the contract on the City's behalf; and

Authorize the City Manager to approve contract change orders up to 5% of the bid amount.

ATTACHMENTS

None

MEETING DATE June 27, 2007

AGENDA ITEM NO.

ITEM TITLE PUBLIC HEARING FOR A TENTATIVE PARCEL MAP (TPM07-01) AND A DEVELOPMENT REVIEW PERMIT (DR07-03) FOR A FOUR LOT SUBDIVISION AND CONSTRUCTION OF FOUR SINGLE FAMILY DWELLING UNITS AND A PRIVATE ROAD ON A 0.83 ACRE SITE LOCATED ON THE EAST SIDE OF FANITA DRIVE, APPROXIMATELY 500 FEET SOUTH OF PROSPECT AVENUE (APN 386-050-08) IN THE R2 (LOW-MEDIUM DENSITY RESIDENTIAL) ZONE. APPLICANT: TYREE & VIDOVICH INVESTMENTS, LLC

DIRECTOR/DEPARTMENT Gary Halbert, Development Services

SUMMARY The proposed project is an application by Tyree & Vidovich Investments, LLC for a Tentative Parcel Map (TPM 07-01) to subdivide a 0.83 acre parcel into four residential lots and a Development Review Permit (DR07-03) to construct four single family dwellings within the R-2 (Low-Medium Density Residential) Zone. The lots will range from 7,068 square feet to 7,274 square feet, which exceeds the 6,000 square foot minimum lot size for the R-2 Zone. A 1,786 square foot two story single family dwelling with attached 450 square foot two-car garage and 120 square-foot front porch will be constructed on each lot. The homes will use two different color and material schemes and building footprint orientations to provide architectural variation within the development.

The site is located on the east side of Fanita Drive approximately 500 feet south of Prospect Avenue. Street improvements to Fanita Drive will consist of curb, gutter, non-contiguous sidewalks, street lighting, fire hydrants, pedestrian ramps at curbs, and the repair or replacement of failed or inadequate pavement. The project will also contribute to the construction of a landscaped and irrigated traffic safety island planned for Fanita Drive and pay a deposit to underground overhead utilities.

Issues addressed in the staff report include compatibility with adjacent land uses, site access and parking, public improvements, and the transfer of the panhandle portion of the lot to adjacent property owners to the south.

ENVIRONMENTAL REVIEW The proposed project is exempt from CEQA pursuant to Section 15315 of the CEQA Guidelines (Class 15 - Minor Land Divisions).

FINANCIAL STATEMENT Staff costs to process the Tentative Parcel Map and Development Review Permit (TPM07-01, DR07-03, and AEIS 07-06) are paid by application fees of \$4,357.50. Development Impact Fees will total \$33,820.00.

RECOMMENDATION

1. Conduct and close the public hearing.
2. Approve Tentative Parcel Map TPM07-01 and Development Review Permit DR07-03 per the attached Resolutions.

ATTACHMENTS (Listed Below)

Staff Report

Resolution for TPM07-01

Resolution DR07-03

Figures 1-4

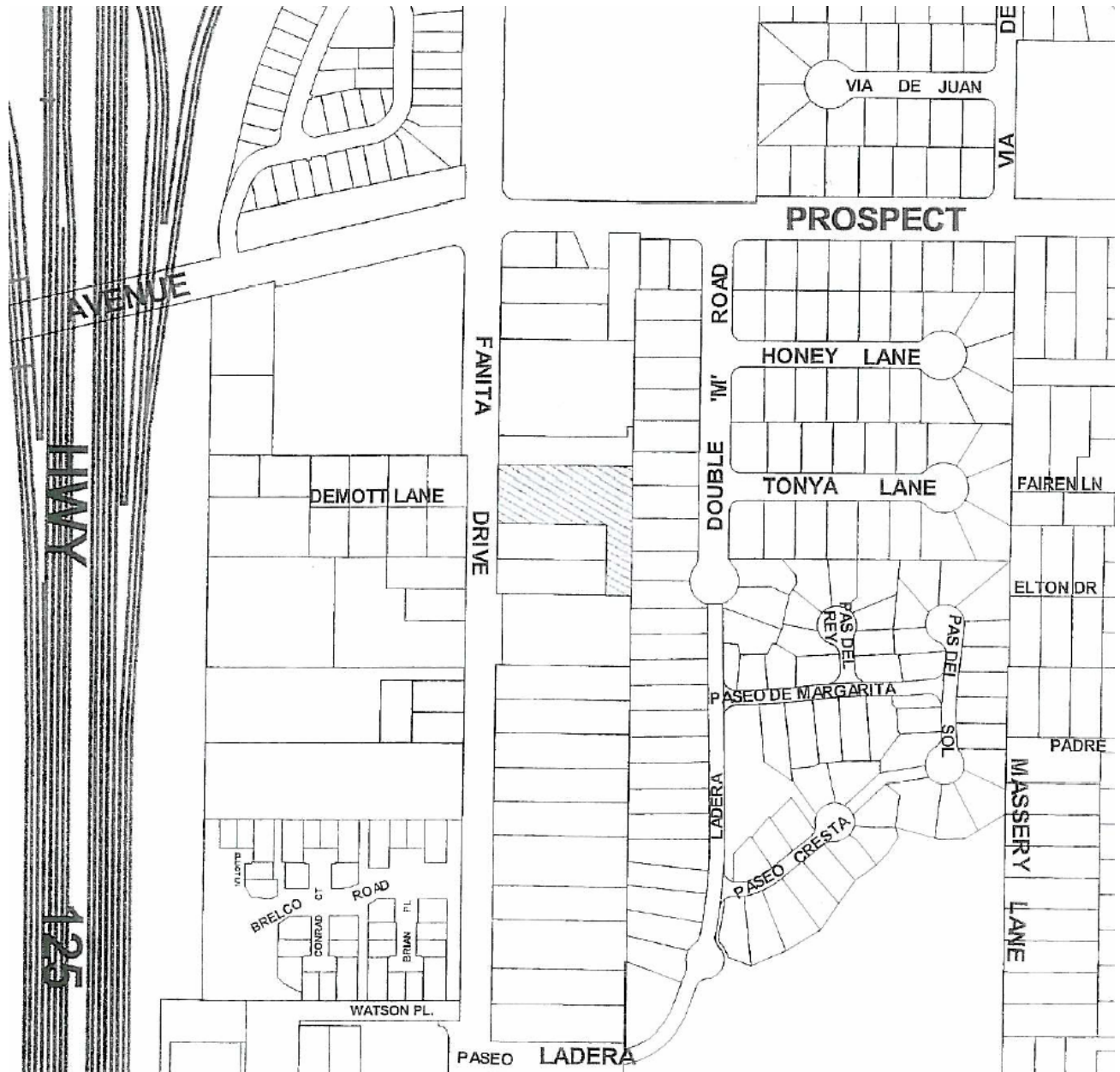
Aerial

Ownership Disclosure Statement

Letter of Support

**STAFF REPORT
TENTATIVE PARCEL MAP TPM07-01/
DEVELOPMENT REVIEW PERMIT DR07-03
CITY COUNCIL MEETING JUNE 27, 2007**

Notice of the Public Hearing was published in East County Californian on **June 14, 2007** and adjoining owners of property within 300 feet of the request and other interested parties were notified by U.S. Mail on **June 14, 2007**.



SITUATION AND FACTS

1. Requested by Auggie Vidovich
2. Land Owner..... Tyree & Vidovich Investments, LLC
3. Type and Purpose of Request... Tentative Parcel Map TPM07-01 to subdivide a 0.83 gross acre property into four lots, and Development Review Permit DR07-03 for the construction of one 1,786 square foot two story single family dwelling with attached 450 square foot two car garage on each lot (Project Density: 4.8 DU/ gross acre)
4. Location..... East side of Fanita Drive approximately 500 feet south of Prospect Avenue
5. Site Area Approximately 0.83 acre
6. Existing Zoning..... R2 Low-Medium Density Residential (2-5 dwelling units/gross acre) Zone
7. Surrounding Zoning..... North: R2 Low-Medium Density Residential
South: R2 Low-Medium Density Residential
East: R2 Low-Medium Density Residential
West: R7 Medium Density Residential
Northwest: R14 Medium-High Density Residential
8. General Plan Designation R2 Low-Medium Density Residential (2-5 dwelling units/gross acre)
9. Existing Land Use Three single family dwelling units (one detached and two attached)
10. Surrounding Land Use..... North: Single family dwelling
South: Single family dwellings
East: Single family dwellings
West: Duplex and single family dwellings
Northwest: Multifamily dwellings
11. Terrain..... The gently slopes (<3%) from southeast to northwest
12. Environmental Status..... Class 15 Exemption
13. APN..... 386-050-08
14. Within Redevelopment Area..... No

BACKGROUND

Project Description

The proposed project is an application by Tyree & Vidovich Investments, LLC for a Tentative Parcel Map (TPM 07-01) to subdivide a 0.83-acre property into four residential lots and a Development Review Permit (DR07-03) to construct four single family dwellings. Each 1,786 square foot two story single family dwelling will have an attached 450 square foot two-car garage and a 120 square-foot front porch. The homes will be sited on lots that range from 7,068 square feet to 7,274 square feet, which exceeds the 6,000 square foot minimum lot size for the R-2 Zone.

The site is located on the east side of Fanita Drive approximately 500 feet south of Prospect Avenue at 8645 Fanita Drive (APN 386-050-08). Access will be provided to all four homes from Fanita Drive by a new 20-foot wide private road to be constructed with curb, gutter, sidewalk, and fire access turnaround.

Site and Surrounding Conditions

The project site, located in the R-2 (Low-Medium Density Residential) Zone, is presently developed with one single-family home, two attached dwelling units (for a total of three units), a garage, and two auxiliary structures. The property gently slopes from southeast to northwest (<3%).

The project site is bordered by single family homes on the north, south, and east. Duplexes and single family homes are located west and southwest. Multifamily apartments are located northwest of the project site. A concrete lined drainage channel is located east of the property.

ANALYSIS

Architecture and Site Design

While all four of the single family homes have the same two-story floor plan, two different color and material schemes and building footprint orientations are proposed to provide architectural variation within the development. One model type will include arched windows with beige stucco, hawk brown trim, and bone colored accent. The other model type will include rectangular windows with faux shutters, sand dollar stucco, bone colored trim, and hawk brown accent. Each home includes a large front porch with wood slat railing and rock wainscot (see Figures 1 through 3). The project is conditioned for different façade and door styles and colors such that no two identical homes are side by side allowing the project to achieve individual identity within the development.

Development Standards/Surrounding Land Use Compatibility

The project is consistent with the General Plan because the project density of 4.8 units per gross acre conforms to the R-2 (Low-Medium Density Residential) land use designation which allows single-family residential uses at a density of 2-5 dwelling units per gross acre. The 7,068 square foot to 7,274 square foot lots exceed the 6,000 square foot minimum lot size and conform to the minimum lot depth and width requirements of the R-2 Zone.

The proposed single family dwellings on 7,068 to 7,274 square foot lots are consistent with the intensity, scale, and land use type of the existing single family homes and duplexes in the vicinity of the project site. In addition, the design of the proposed project is consistent with the setback, height, coverage, parking, and landscaping development standards of the underlying R-2 Zone.

The project is conditioned to construct a six-foot decorative block wall along the project boundary. A maximum height of three and one half feet will be required in the front yard setback of proposed Lot 1 adjacent to Fanita Drive and the parcel bordering the property on the north to ensure visibility for safe ingress and egress.

Elimination of an Irregular Lot

The project site is configured in such a way that there is a long narrow portion extending along the east side of the property (46 feet by 140 feet). Originally contemplated to be part of a fourth lot, its configuration raised questions about maintenance over time. Given this concern, staff and the applicant worked on a solution that would eliminate this elongated “panhandle” portion of the site. The applicant has agreed to the transfer of the land to the adjacent property owners (two abutting properties). The land would be transferred prior to recordation of the Parcel Map and issuance of grading or building permits. The adjacent property owners have submitted a letter of support for the project and the proposed land transfer (Figure 4).

Street Access and Sidewalk Improvements

Fanita Drive, in its present condition, is adequate to serve the low density development that currently exists and is proposed with this project. A condition of approval for the proposed subdivision is to construct Fanita Drive to Collector Street standards (64' curb to curb/84' right-of-way), dedicate right-of-way, and install curb and gutter, street lighting, a noncontiguous sidewalk, and pedestrian ramps at driveway curbs.

The project is also conditioned to provide repair and replacement of failed or inadequate pavement along Fanita Drive to the satisfaction of the Director of Development Services. These improvements include the repair of cracks and potholes. The project is required to pay Traffic Signal and Traffic Impact Fees to mitigate its fair share of traffic impacts on the Santee street system.

Access will be provided to all four homes from Fanita Drive by a new 20-foot wide private road along the north end of the property. Parking will be prohibited along the private road and turnaround to ensure adequate fire access and each proposed driveway is wide enough for three cars. Curb and gutter will be installed on both sides of the private road. A four-foot wide sidewalk will be constructed on the south side of the road.

School Route

This project will be served by Prospect Avenue School, located at the intersection of Prospect Avenue and Ellsworth Lane. The most direct and safest route to school for residents of the project to Prospect Avenue School would be north on Fanita Drive for approximately 500 feet and east on Prospect Avenue for approximately 1,300 feet. The route has sidewalks along all but approximately 60 feet along the east side of Fanita Drive and approximately 80 feet of the south side of Prospect Avenue, both abutting developed single family residential lots.

ENVIRONMENTAL STATUS

The project is Categorically Exempt from the provisions of the California Environmental Quality Act, pursuant to Article 19, Section 15315, Class 15 Exemption because the project is the subdivision of land into four parcels within in urbanized area of Santee zoned for residential use. The project is consistent with the General Plan and Zoning Code; no variances or exceptions are required; all services and access to the proposed parcels are available; the parcel was not involved in a division of a larger parcel within the previous 2 years; and the parcel has an average slope of less than 20 percent.

ESTIMATED FEES

Development of the proposed project will require the payment of the following Development Impact Fees:

1. Drainage Fees - \$ 2,202.00
2. Traffic Impact and Traffic Signal Fees - \$ 3,844.00
3. Park In-Lieu Fees - \$ 5,934.00
4. Public Facilities Fees - \$ 4,930.00

STAFF RECOMMENDATION

1. Conduct and close the public hearing.
2. Approve Tentative Parcel Map TPM07-01 and Development Review Permit DR07-03, per the attached Resolutions.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA
APPROVING THE APPLICATION OF TYREE & VIDOVICH INVESTMENTS, LLC FOR
TENTATIVE PARCEL MAP TPM07-01 TO SUBDIVIDE A 0.83 GROSS ACRE PROPERTY
INTO FOUR LOTS ON THE EAST SIDE OF FANITA DRIVE AT 8645 FANITA DRIVE IN THE
R2 ZONE**

APN: 386-050-08

(RELATED PROJECT NUMBER DR07-03)

WHEREAS, on May 17, 2007 Tyree & Vidovich Investments, LLC submitted a complete application for Tentative Parcel Map TPM07-01 to subdivide a 0.83 gross acre property into four lots, concurrent with Development Review Permit DR07-03 to construct four single family dwelling units, in the R-2 (Low-Medium Density Residential) Zone and legally described in Exhibit A, attached; and

WHEREAS, the Director of Development Services scheduled Tentative Parcel Map TPM07-01 and Development Review Permit DR07-03 for public hearing on June 27, 2007; and

WHEREAS, Tentative Parcel Map TPM07-01 is Categorically Exempt from the provisions of the California Environmental Quality Act, pursuant to Article 19, Section 15315, Class 15 Exemption; and

WHEREAS, on June 27, 2007 the City Council held a duly advertised public hearing on Tentative Parcel Map TPM07-01 and Development Review Permit DR07-03; and

WHEREAS, the City Council considered the Staff Report, and considered all recommendations by staff and public testimony.

NOW, THEREFORE, BE IT RESOLVED by the City of Santee City Council, after considering the evidence presented at the public hearing, as follows.

SECTION 1: Tentative Parcel Map TPM07-01 is Categorically Exempt from the provisions of the California Environmental Quality Act, pursuant to Article 19, Section 15315, Class 15 Exemption because the project is the subdivision of land into four parcels within in urbanized area of Santee zoned for residential use. The project is consistent with the General Plan and Zoning Code; no variances or exceptions are required; all services and access to the proposed parcels are available; the parcel was not involved in a division of a larger parcel within the previous 2 years; and the parcel has an average slope of less than 20 percent.

SECTION 2: The findings, in accordance with the State Subdivision Map Act (Government Code Section 66410 et. seq.) for Tentative Parcel Map TPM07-01, are made as follows:

- A. The Tentative Parcel Map is consistent with the General Plan because the project density of 4.8 units per gross acre conforms to the R-2 (Low-Medium Density Residential) land use designation which allows single-family residential use at a density of 2-5 dwelling units per gross acre.
- B. The design and improvements required of the proposed development are consistent with all Elements of the Santee General Plan as well as City Ordinances and all necessary services and facilities are, or will be, available to serve this subdivision.
 - 1. On-site drainage improvements will be provided as well as drainage fees (approximately \$ 4,404.00) will be paid for the increase in surface water run-off, and
 - 2. Traffic Impact and Traffic Signal fees (approximately \$ 7,688.00) will be paid to mitigate the additional traffic resulting from this approval, and
 - 3. Park-In-Lieu fees (approximately \$ 11,868.00) toward the future construction of parks shall be provided to mitigate the impact on City parks, and
 - 4. Public Facilities fees (approximately \$ 9,860.00) will be paid to mitigate the additional impacts on public facilities from this approval.

- C. The site is physically suitable for the type of development and the density proposed, in that the site is large enough to accommodate four 1,786 square foot single family dwelling units with attached two car garages, a level yard area for private open space, provide setbacks, and meet the lot coverage requirements in conformance with the R-2 (Low-Medium Density Residential) Zone development standards.
- D. The discharge of sewage waste from the subdivision into the Padre Dam Municipal Water District sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
- E. The design of the Tentative Parcel Map is not likely to cause serious public health problems as City water service is available to the property pursuant to Padre Dam Municipal Water District's latest Urban Water Management Plan and conditions of approval for the project require certification that the applicant reserve sewer capacity and make payment of fees to insure adequate service to the new homes.
- F. The design of the Tentative Parcel Map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the development site is not located within a Preserve Area of the City's draft Multiple Species Conservation Program Subarea Plan.
- G. The design of the Tentative Parcel Map or the type of improvements do not conflict with any easement by the public at large, for access through, or use of property with the proposed subdivision as defined under Government Code Section 66474(g).
- H. The design of the subdivision has provided, to the extent feasible, for future passive or natural heating or cooling opportunities as defined under Section 66473.1 of the State Subdivision Map Act.
- I. The effects of the subdivision on the housing need for the San Diego region have been considered and balanced against the public service needs of the City of Santee residents and available fiscal and environmental resources. As three existing dwelling units on-site will be demolished with the project, one additional dwelling unit will be added to the City's housing inventory.

SECTION 3: Tentative Parcel Map TPM07-01, dated May 24, 2007, consisting of the subdivision of a 0.83 gross acre property into four lots located on the east side of Fanita Drive approximately 500 linear feet south of Prospect Avenue (APN 386-050-08) within the R-2 (Low-Medium Density Residential) General Plan Designation, is hereby approved, subject to the following conditions:

- A. The applicant shall obtain approval of Development Review Permit DR07-03.
- B. Prior to approval of the Parcel Map, unless other timing is indicated, the subdivider shall complete the following, or have plans submitted and approved, agreements executed and securities posted:
 - 1. Following project approval the applicant shall schedule with the City Project Planner a post approval meeting to discuss the project conditions of approval, timing of design

and construction and implementation of the project conditions. The meeting shall be scheduled within thirty days of project approval and prior to any plan submittals. The applicant should include their project design team including project architect, their design engineer and their landscape architect.

2. The applicant shall include provisions in their design contract with their design consultants that following acceptance by the City, all construction drawings or technical reports accepted by the City, exclusive of architectural building plans, shall become the property of the City. Once accepted, these plans may be freely used, copied or distributed by the City to the public or other agencies as the City may deem appropriate. An acknowledgement of this requirement from the design consultant shall be included on all construction drawings at the time of plan submittal.
3. To coordinate with the City Geographic Information System, horizontal and vertical control for all construction drawings, grading plans, landscape plans, street improvement plans, plot plans, etc., shall be obtained from ROS 11252. All plans, exclusive of the map and building plans, shall be prepared at an engineering scale of 1" = 20' unless otherwise approved by the project engineer.
4. If plans are prepared in digital format using computer aided drafting (CAD), then in addition to providing hard copies of the plans the applicant shall submit a copy of the plans in a digital .DXF file format at the time of its approval or as requested by the City Engineer. The digital file shall be based on accurate coordinate geometry calculations. The digital file for the Parcel Map shall specifically include each of the following items in a separate layer:
 - a. Lot boundaries.
 - b. Lot numbers.
 - c. Subdivision boundary.
 - d. Right-of-way.
 - e. Street centerlines, and
 - f. Approved street names.
5. Obtain the basis of bearings for the Parcel Map from ROS 11252 and install street survey monumentation (SDRSD M-10) in accordance with San Diego Regional Standards and County mapping standards. All other monumentation shall be in accordance with the Santee Municipal Code and shall be to the satisfaction of the City Engineer.
6. Parcel Map shall be submitted to the Department of Development Services Engineering Division. The first and last submittal of the map shall be made by appointment only with the City project engineer administering the map review. Submittal requirements are listed below. Incomplete submittals will not be accepted for plan check.

Please include the following with the first submittal:

- a. Two sets of prints bound and stapled.
- b. Two copies of a current preliminary title report (dated within six months of submittal date).

- c. Two copies of all documents listed in the preliminary title report.
- d. Two copies of all reference maps used to prepare the Parcel Map.
- e. Two copies of closure calculations for the map.
- f. One copy of the Resolution of Approval or Director's Decision approving the project and approved Tentative Parcel Map.
- g. Map check fees in the amount of \$3,000.00.

Please include the following with the last submittal (signature submittal):

- a. Previous submittal check prints.
 - b. Two sets of prints bound and stapled.
 - c. Two copies of the map in Autocad format on separate disk, CD or DVD for incorporation into the City GIS data base.
 - d. Mylars of the map with all required signatures and notaries obtained including Padre Dam Municipal Water District if they are to sign the map.
 - e. Copies of certified return receipts for all signature omission letters.
 - f. Subdivision Map Guarantee.
7. Street Improvement Plans shall be submitted to the Department of Development Services Engineering Division and be completed and accepted prior to issuance of a building permit for any given phase. Improvements will be phased to coincide with the specific development for any given phase. Phase specific conditions shall be specified at the time of approval for a given development phase.

Prior to the start of construction of any improvements, public or private, within the limits of the public right-of-way, the applicant shall have plans accepted, agreements executed, securities posted and an Encroachment Permit issued. All improvements shall be installed in accordance with City standards and at the applicant's cost unless otherwise indicated. The following improvements are conditioned as part of this development:

- a. Repair or replace failed or inadequate pavement to the centerline of the street on Fanita Drive to the satisfaction of the Director of Development Services.
- b. Construct a minimum 20 foot wide driveway entrance on Fanita Drive per San Diego Regional Standard Drawing G-17, modified to the satisfaction of the Director of Development Services.
- c. Construct Fanita Drive across the project frontage to collector street standards (64' curb to curb/84' right-of-way). Show curb, gutter, non-contiguous sidewalks, street lighting, fire hydrants and pedestrian ramps at driveways.
- d. Street improvement plans shall be one hundred percent (100%) complete at the time of plan submittal, be prepared in accordance with City guidelines and the requirements set forth herein, and be ready for acceptance by the City. Partial or incomplete submittals will not be accepted for plan check. At the time of plan

check submittal the applicant shall schedule an appointment with their designated City project engineer and the applicant's design engineer to review the plan submittal for completeness. The following shall be included as part of the improvement plan submittal package:

- 1) Six sets of plans bound and stapled.
- 2) Plan check fees.
- 3) Preliminary cost estimate for the improvements.
- 4) One copy of the resolution of Approval or Director's Decision approving the project.

Plan check and inspection fees shall be paid in accordance with the City Fee Schedule.

8. Grading Plans may be submitted to the Department of Development Services Engineering Division and accepted prior to map recordation. The following conditions shall apply to acceptance of the Grading Plans and issuance of a Grading Permit:
 - a. Project landscape and irrigation plans for all slope planting on all slopes over three feet in height shall be included in the grading plan set and shall be prepared at the same scale as the grading plans 1" = 20'. Design shall include a temporary high line for irrigation to permit slope planting to occur immediately following grading until such time as individual meters are installed to permit connection of the irrigation to the home owner's meter.
 - b. Project improvement plans shall be completed to the satisfaction of the Director of Development Services and ready for approval prior to issuance of a grading permit. Plans shall be prepared at a scale of 1" = 20'.
 - c. Project plot plans shall be completed and approved prior to issuance of any building permits or start of construction of the street improvements.
 - d. A minimum width of 20 feet is required for the proposed private driveway. The minimum width of 20 feet shall maintain an unobstructed vertical clearance from all and any encroachments including but not limited to decks, overhangs, lighting, abutments, etc.

- e. The private driveway shall conform to Public Works Standards, to include concrete curb and gutter on each side, and a 4 foot wide sidewalk on the residence side. A five foot landscape buffer shall be included on the north side of the private street. The hammerhead turn around shall conform to the Fire Department's requirements.
- f. No parking will be permitted on the private driveway or within the limits of the turn around. The fire lane shall be identified by painting curbs red with white-stenciled letters indicating "NO PARKING – FIRE LANE" every 30 feet along all portions of the fire lane.
- g. Obtain a grading permit and complete rough grading in accordance with City standards prior to the issuance of any building permits.
- h. All recommended measures identified in the approved geotechnical and soil investigation shall be incorporated into the project design and construction.
- i. The grading plans shall be prepared at a scale of 1" = 20'. Plans shall include a note that requires immediate planting of all slopes within sixty days following installation of water mains to serve the project. Slope planting shall be fully established prior to occupancy of any unit.
- j. Submit for approval by the City project engineer, design of all pavement structural sections. Design of flexible pavement shall be designed based on the "R" value method using a minimum traffic index of 5. Structural sections shall consist of a minimum of 2 inches of asphalt concrete over 6 inches of approved base. Minimum concrete section shall be 5 1/2 inches PCC over compacted, non-expansive soil. Mix design shall be class 520-C-2500. Three originals of a pavement design report prepared in accordance with City Engineering Form 435 – Pavement Design and R-value Test Submittal Procedures shall be submitted to the City project engineer for approval prior to placement of paving or base material.
- k. Waste materials generated from grading operations shall be hauled to a legal dumping site as approved by the City Engineer.
- l. Grading plans shall be one hundred percent complete at the time of plan check submittal, be prepared in accordance with City guidelines and be ready for acceptance by the City. At the time of plan submittal the applicant shall schedule an appointment with their designated City project engineer and the applicant's design

engineer to review the plan submittal for completeness. The following shall be included as part of the grading plan submittal package:

- 1) Six sets of plans bound and stapled (grading and landscape).
- 2) Plan check fees.
- 3) A completed grading permit application.
- 4) A cost estimate for the cost of construction.
- 5) Three copies of the Drainage Analysis specified here within.
- 6) Three copies of the Geotechnical Study specified here within.

All grading shall be completed to the satisfaction of the Director of Development Services. Plan check and inspection fees shall be paid in accordance with the City Fee Schedule.

9. A fence plan shall be prepared that shows design, location and materials of all fencing and retaining walls to include the following:
 - a. Fencing/wall materials shall exclude chain link and wood. Acceptable materials include, but are not limited to, woodcrete, decorative masonry block, durable vinyl or similar pre-fabricated material subject to the satisfaction of the Development Services.
 - b. Consistent with 9.a, a maximum six foot tall solid wall/fence (uniform design) shall be constructed along the ultimate project site boundary to the satisfaction of the Director of Development Services. The height of the fence shall not exceed three and one half feet in the front yard setback of proposed Lot 1 and the parcel that borders the project site on the north to ensure visibility for safe ingress and egress.
10. The applicant shall notify all contractors, subcontractors and material suppliers that the following work schedule restrictions apply to this project:
 - a. No site work, building construction, or related activities, including equipment mobilization will be permitted to start on the project prior to 7:00 am and all work for the day shall be completed by 7:00 pm.
 - b. No work is permitted on Sundays or City Holidays.
 - c. No deliveries, including equipment drop off and pick-up, shall be made to the project except between the hours of 8:00 am and 6:00 pm, Monday through Saturday,

excluding City Holidays. Deliveries of emergency supplies or equipment necessary to secure the site or protect the public are excluded.

- d. If the applicant fails or is unable to enforce compliance with their contractors, subcontractors and material suppliers regarding the specified work hours, a reduction of permissible work hours may be imposed by the Director of Development Services.

In addition to the above the applicant shall erect one or more signs stating the work hour restrictions. Signs shall be installed as may be required, in the vicinity of the project construction trailer if a job site trailer is used, or at such other locations as may be deemed appropriate by the Department of Development Services. The sign shall be a minimum of 24" x 36" and shall be weather proofed. The sign content shall be provided by the Department of Development Services.

11. Trench work when required within City streets shall be completed within two weeks of the initial start date, including placement of the final trench patch. Trench plates or temporary pavement placement shall be installed at the end of each work day. Advance warning signs on lighted barricades notifying the public of trench plates and or the uneven pavement shall placed and maintained until permanent pavement repairs are made. The maximum length of time including weekends and holidays that trench plates may remain on the street is 72 hours after which temporary or permanent asphalt paving shall be placed.
12. Applicant consents to annexation of the property under development to the Santee Roadway Lighting District and agrees to waive any public notice and hearing of the transfer. Applicant shall pay the necessary annexation costs and upon installation of any street lights required for the development, pay the necessary street light energizing and temporary operating costs.
13. Water Quality Control – Drainage and Flood Damage Prevention Design
 - a. Provide three copies of a drainage study prepared by a registered Civil Engineer, with demonstrated expertise in drainage analysis and experience in fluvial geomorphology and water resources management. Storm drainage shall be designed to adequately convey storm water runoff without damage or flooding of surrounding properties or degradation of water quality.
 - b. The drainage study shall identify and calculate storm water runoff quantities expected from the site and upstream of the site and verify the adequacy of all on-site or off-site facilities necessary to discharge this runoff. The drainage system design shall be capable of collecting and conveying all surface water originating within the site, and surface water that may flow onto the site from upstream lands, and shall be in accordance with the latest adopted Master Drainage Plan, the requirements of the City of Santee Public Works Standards, and be based on full development of upstream areas.
 - c. The drainage study shall evaluate the project's conditions of concern in accordance with the City of Santee Standard Urban Storm Water Mitigation Plan (SUSMP). The

analysis shall consider the project area's location (from the larger watershed perspective), topography, soil and vegetation conditions, percent impervious area, natural infrastructure drainage features and any other relevant hydrologic and environmental factors to be protected specific to the project area's watershed.

- d. As part of the drainage study, a field reconnaissance to observe and report on downstream conditions, including undercutting erosion, slope stability, vegetative stress (due to flooding, erosion, water quality degradation, or loss of water supplies) and the area's susceptibility to erosion or habitat alteration as a result of an altered flow regime.
- e. The drainage study shall compute rainfall runoff characteristics from the project area including, at a minimum, peak flow rate, flow velocity, runoff volume, time of concentration, and retention volume. These characteristics shall be developed for the 2-year and 10-year frequency, Type I storm, of 6-hour or 24-hour duration (whichever is the closer approximation of the site's time of concentration), during critical hydrologic conditions for soil and vegetative cover. The drainage shall report the project's conditions of concern based on the hydrologic and downstream conditions discussed above. Where downstream conditions of concern are identified, the drainage study shall establish that pre-project hydrologic conditions affecting downstream conditions of concern would be maintained by the proposed project, satisfactory to the City, by incorporating in the site design, source control, and treatment control requirements identified in the approved SUSMP Project Plan.

14. Water Quality Control – Post Construction Storm Water Management Compliance

- a. Provide two copies of a Storm Water Management Plan (SWMP) as required by the City of Santee Storm Water Management and Discharge Control Ordinance and in accordance with the City of Santee Standard Urban Storm Water Mitigation Plan (SUSMP). A sample SWMP format and guidelines document is available upon request. All SUSMP requirements developed in the approved SWMP shall be incorporated into the project design.
- b. Develop and implement appropriate Best Management Practices (BMPs) to ensure to the maximum extent practicable (MEP) that the project does not increase pollutant loads from the site. A combination of respective storm water BMPs, including Site Design, Source Control, and Structural Treatment Control after the pollutants and conditions of concern have been identified shall be implemented in accordance with the approved SUSMP Project Plan. The condition of concerns shall be evaluated from the project's drainage study report.
- c. Design Structural Treatment Control BMPs in accordance with the City of Santee SUSMP. In accordance with the San Diego Regional Water Quality Control Board Order No. 2001-01 (San Diego Municipal Storm Water Permit), volume or flow based BMPs shall be designed infiltrate, filter or treat the volume of runoff produced by the 85th percentile 24-hour rainfall or the maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity. Section V, Step 8 and 9 of the City of Santee SUSMP completely defines the treatment control design requirements.

- d. Provide a copy of an Operation & Maintenance (O&M) plan in accordance with the City of Santee SUSMP. A Storm Water Facilities Maintenance Agreement accepting responsibility for all structural BMP maintenance, repair and replacement as outlined in said O&M plan binding on the land throughout the life of the project will be required prior to issuance of building permit.

15. Water Quality Control – Construction (1 or more acres) Storm Water Management Compliance

- a. Provide proof of coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ) prior to start of construction. This project disturbs 1 or more acres of soil or disturbs less than 1 acre but is part of a larger common plan of development that in total disturbs 1 or more acres. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation.
- b. Provide two copies of a Construction Storm Water Pollution Prevention Plan (SWPPP) as required by the Construction General Permit. The Construction SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The Construction SWPPP must list Best Management Practices (BMPs) the applicant will use to protect storm water runoff and the placement of those BMPs. Section A of the Construction General Permit completely describes the elements that must be contained in a Construction SWPPP.

16. Provide three copies of geotechnical study prepared in accordance with the requirements of the Santee General Plan. All recommended measures identified in the approved study shall be incorporated into the project design. Copies of the Geotechnical/Seismic Hazard Study for the Safety Element of the Santee General Plan which details, in Table A-1, study criteria necessary to conform to the General Plan requirements, can be purchased from the Department of Development Services Engineering Division.

17. The applicant shall make the following conveyances on the parcel map:

- a. Relinquish vehicular right of access to Fanita Drive from Lot 1 except for the portion of the proposed 25 foot wide access easement.
- b. Dedicate right-of-way along Fanita Drive adjacent to the site such that the ultimate right-of-way width to centerline is 42 feet.

18. Prior to approval of the parcel map, the applicant shall process a boundary adjustment to transfer the irregular portion of proposed Lot 4 to adjacent neighboring properties to the south. The existing building straddling the proposed Lot 4 adjusted lot line shall be removed prior to approval of the boundary adjustment. The grading plan will also be required to eliminate drainage from one lot to another.

19. A landscape and irrigated traffic safety island is currently planned for Fanita Drive. In lieu of constructing the median at this time, the applicant shall make a cash contribution for construction of one-half of the median, the length of the project frontage. At present, the contribution rate is \$100/linear foot of frontage. Future construction of medians on Fanita Drive may prohibit left turns into and out of the site.

20. Applicant shall place all new utilities required to serve the project underground. No overhead facilities or extension of overhead facilities is permitted. In addition, the applicant shall underground any existing overhead facilities on-site and underground any overhead facilities adjacent to the project to the satisfaction of the Director of Development Services. Adjacent facilities are defined as existing overhead facilities in the abutting half street and may include extension of the undergrounding to either side of the project to the nearest existing utility pole.

In the opinion of the Director of Development Services undergrounding is not practical, the applicant shall make an in-lieu cash deposit towards the future undergrounding of the existing facilities. The deposit amount shall be determined by multiplying the length of property frontage on Fanita Drive by an appropriate cost per linear foot to underground in effect at the time of occupancy as determined by the Director. The current deposit rate is \$ 315/linear foot.

21. Provide certification to the Director of Development Services that sewer and water can be provided to the site and that financial arrangements have been made to provide said services. If private sewer or water mains are allowed to serve the project, then a building permit for these facilities will be required and they shall be maintained by the homeowners.

22. The applicant shall comply with all applicable sections of the Municipal Code, Land Development Manual and Public Works Standards of the City of Santee.

C. Property Covenants shall be submitted to the Department of Development Services for approval by the City Attorney and the Director of Development Services, and recorded prior to Parcel Map approval. The provisions of said covenants shall include the following:

1. The disclosure of the planned landscape and irrigated traffic safety island and possible future prohibition of left turns into and out of the site. The form shall be on brightly colored bond, 8½ x 11-inch size and printed in bold letters with a minimum 18-point font.

2. The disclosure of the requirement to maintain in good condition the private street, all structures, driveways, walls/fencing, and landscaping.

SECTION 4: The terms and conditions of the Tentative Parcel Map approval shall be binding upon the permittee and all persons, firms and corporations having an interest in the property subject to this Tentative Parcel Map and the heirs, executors, administrators, successors and assigns of each of them, including municipal corporations, public agencies and districts.

SECTION 5: The City of Santee Municipal Code, Chapter 1.14, provides for the issuance of Administrative citations for Municipal Code violations. Should non-compliance with said terms

and conditions of this Tentative Parcel Map or any violation of the Municipal Code that includes the City's Storm Water Ordinance, the City has the right to issue administrative citations containing an assessment of civil fines for each violation and collect administrative fines for violations.

SECTION 6: The approval of the Tentative Parcel Map TPM07-01 expires on June 27, 2010, 2010 at 5:00 p.m. The Parcel Map conforming to this conditionally approved Tentative Parcel Map TPM07-01 shall be filed with the City Council in time so that City Council may approve the Parcel Map before this approval expires unless a time extension for obtaining such approval of the Parcel Map is approved as provided by the Santee Subdivision Ordinance. The City Council expressly grants to the Director of Development Services the authority to extend the expiration date of this approval pursuant to Section 17.04.090.B of the Santee Municipal Code, when a request for an extension is filed 60 days prior to the original expiration date.

SECTION 7: Pursuant to Government Code Section 66020, the 90 day approval period in which the applicant may protest the imposition of any fees, dedications, reservations, or exactions imposed pursuant to this approval, shall begin on June 27, 2007.

SECTION 8: The applicant shall defend (with counsel of City's choice, subject to reasonable approval by the applicant) the City of Santee and its officers, employees and agents from any claim, action, or proceeding against the City and/or its officers, employees or agents to attack, or set aside, void, or annul the approval of the City of Santee concerning this Resolution or any action relating to or arising out of its approval, and further agrees to indemnify and hold harmless from all costs and expenses (including attorney's fees) associated with any such defense.

ADOPTED by the City Council of the City of Santee, California, at a Regular Meeting thereof held this 27th day of June, 2007, by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

LINDA A. TROYAN, CITY CLERK

Attachments: Attachment A: Legal Description

ATTACHMENT A: LEGAL DESCRIPTION

All that certain real property situated in the County of San Diego, State of California, described as follows:

That portion of Lot 1 in Block "8" of Fanita Rancho, in the City of Santee, County of San Diego, State of California, according to Map thereof No. 538, filed in the Office of the County Recorder of San Diego County, May 17, 1888, described as follows:

Beginning at a point on the Westerly line of said Lot which is distant thereon South 0° 04' 30" East, 461.00 feet from the Northwest corner thereof; thence South 0° 04' 30" East along said Westerly line 114.00 feet; thence North 89° 58' East, parallel with the Southerly line of said Lot a distance of 215.00 feet; thence South 0° 04' 30" East, parallel with the Westerly line of said Lot a distance of 140.00 feet to an intersection with a line bearing North 89° 58' East, parallel with the Southerly line of said Lot from a point on the Westerly line of said Lot which is distant thereon South 0° 04' 30" East, 715.00 feet from the Northwest corner thereof; thence North 89° 58' East to the Westerly line of land conveyed to Teanis J. Roelaffs, et ux, by Deed recorded August 23, 1955 in Book 5765, Page 235 of Official Records; thence North 0° 00' 30" West along said Westerly line to an intersection with a line bearing North 89° 58' East, parallel with the Southerly line of said Lot from the Point of Beginning; thence South 89° 58' West along said parallel line to the Point of Beginning.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE,
CALIFORNIA APPROVING THE APPLICATION OF TYREE & VIDOVICH INVESTMENTS,
LCC FOR DEVELOPMENT REVIEW PERMIT DR07-03 TO CONSTRUCT FOUR
SINGLE FAMILY DWELLING UNITS IN THE R-2 ZONE**

APN: 386-050-08

(RELATED PROJECT NUMBER TPM07-01)

WHEREAS, on May 17, 2007 Tyree & Vidovich Investments, LLC submitted a complete application for Development Review Permit DR07-03 to construct four single family residential dwelling units, with a private road and site landscaping, concurrent with Tentative Parcel Map TPM07-01 to subdivide a 0.83 acre property into four residential lots in the R-2 (Low-Medium Density Residential) Zone; and

WHEREAS, the Director of Development Services scheduled Development Review Permit DR07-03 and Tentative Parcel Map TPM07-01 for public hearing on June 27, 2007; and

WHEREAS, Development Review Permit DR07-03 is Categorically Exempt from the provisions of the California Environmental Quality Act, pursuant to Article 19, Section 15315, Class 15 Exemption; and

WHEREAS, on June 27, 2007 the City Council held a duly advertised public hearing on Development Review Permit DR07-03 and Tentative Parcel Map TPM07-01; and

WHEREAS, the City Council considered the Staff Report, and considered all recommendations by staff and public testimony.

NOW, THEREFORE, BE IT RESOLVED by the City of Santee City Council, after considering the evidence presented at the public hearing, as follows.

SECTION 1: Development Review Permit DR07-03 is Categorically Exempt from the provisions of the California Environmental Quality Act, pursuant to Article 19, Section 15315, Class 15 Exemption because the project is the subdivision of land into four parcels within in urbanized area of Santee zoned for residential use. The project is consistent with the General Plan and Zoning Code; no variances or exceptions are required; all services and access to the proposed parcels are available; the parcel was not involved in a division of a larger parcel within the previous 2 years; and the parcel has an average slope of less than 20 percent.

SECTION 2: The findings in accordance with Section 66020(c) of the State Government Code for Development Review Permit DR07-03 are made as follows:

- A. The payment of fees is needed as a direct result of the proposed development to protect the public health, safety and welfare as identified below:
1. Drainage fees (approximately \$ 4,404.00) will be paid to help offset the impact of the project on citywide drainage facilities, and
 2. Traffic Impact and Traffic Signal fees (approximately \$ 7,114.00 and \$ 574.00 respectively) will be paid to help offset the impact of the project on citywide circulation facilities, and
 3. Park-in-lieu fees (approximately \$ 11,868.00) toward the future construction of parks will be provided to help offset the impact of the project on citywide parks facilities, and
 4. Public Facilities fees (approximately \$ 9,860.00) will be paid to help offset the impact of the project on citywide public facilities.

SECTION 3: The findings in accordance with Section 17.08.080 of the Santee Municipal Code for Development Review Permit DR07-03 are made as follows:

- A. That the proposed project as conditioned meets the purpose and design criteria prescribed in the Zoning Ordinance and the Municipal Code for development in the Low-Medium Residential (R-2) Zone, which provides for single family detached homes in standard subdivision form (6,000 square foot lots).
- B. That the proposed development is compatible with the Santee General Plan in that single family detached residential units are permitted within the R-2 (Low-Medium Density Residential) land use designation and R-2 (Low-Medium Density Residential) Zone of the subject site and public services and facilities will be available to serve the development.
- C. That the proposed development, as conditioned, complies with each of the applicable provisions of the Development Code because all development standards are met, including lot size and dimensions, landscaping, lot coverage, and building setbacks, the project design is consistent with the requirements of the Fire Code, and all proposed private improvements will meet the public works standards of the City.

SECTION 4: The Tyree & Vidovich Investments, LLC application for Development Review Permit DR07-03 to construct four single family dwellings on the east side of Fanita Drive, approximately 500 feet south of Prospect Avenue (APN: 386-050-08) is hereby approved, subject to the following conditions:

- A. The applicant shall obtain approval of Tentative Parcel Map TPM07-01.
- B. All construction shall be to the satisfaction of the Director of Development Services, and in substantial conformance with the site plan, floor plans, architectural elevations, and landscape plan dated May 17, 2007 consisting of seven (7) sheets, and with the materials and color samples, except as amended by the conditions contained herein.
- C. The applicant shall comply with all applicable sections of the Municipal Code, Land Development Manual and Public Works Standards of the City of Santee.
- D. Minor or Major Revisions to the Development Review Permit, such as changes to the building elevations, building layout or parking or landscaping design, shall be approved by the Director of Development Services, unless in the Director's judgment a Major Revision should be reviewed by the City Council.
- E. Prior to obtaining a Building Permit to construct any buildings and structures subject to Development Review Permit DR07-03, the applicant shall comply with the following conditions:
 - 1. A Notice of Restrictions shall be recorded which discloses the conditions of Tentative Parcel Map TPM07-01/Development Review Permit DR07-03 and existing zoning regulations to the future property owners. The form and content of said document shall be approved by the Director of Development Services.
 - 2. The applicant shall pay appropriate fees to the Santee Elementary School District and Grossmont Union High School District.
 - 3. Applicant shall obtain Parcel Map approval and record the Parcel Map. Once recorded, the applicant shall within thirty days of recordation, provide one mylar copy of the recorded map to the Department of Development Services Engineering Division together with three printed copies of the map for the City's permanent record. The prints and mylar shall be in accordance with City standards.
 - 4. Provide a different front door style and color for all four units to the satisfaction of the Director of Development Services.
 - 5. Any construction trailer located on the project site to provide a job office during construction of the project shall:
 - a. Comply with applicable Fire and Building codes.
 - b. Install one 2A10BC fire extinguisher inside the structure mounted so that the bottom of the extinguisher is 4 feet above the floor. Install an arrow sign above the extinguisher so that the bottom of the sign is mounted 6 feet above the floor.

6. Plot Plans shall be submitted to the Department of Development Services Engineering Division and be completed and accepted prior to issuance of any building permits or start of construction of the street improvements. The plans shall be prepared at a scale of 1" = 20'. Plan format and content shall comply with Engineering Division standards.
7. Following issuance of a grading permit the applicant shall complete rough grading in accordance with the approved grading plans and the recommendations of the project's geotechnical engineer. Following completion of the rough grading and prior to issuance of any building permits, provide three originals of a rough grading report, which shall include a compaction report prepared by the geotechnical engineer, and a certification by the project civil engineer that all property corners, slopes, retaining walls, drainage devices and building pads are in conformance with the approved grading plans.
8. The applicant shall pay all development impact fees in effect at the time of issuance of building permits. At present, the fees for net new units are estimated to be as follows:
 - a. Drainage \$ 2,202 /unit
 - b. Traffic \$ 3,557 /unit
 - c. Traffic Signal \$ 287 /unit
 - d. Park-in-Lieu \$ 5,934 /unit
 - e. Public Facilities. . . . \$ 4,930 /unit

Credit will be applied for the legally established existing residences. Impact fee amounts shall be calculated in accordance with current fee ordinances in effect at the time of issuance of building permit. Fee rates include annual adjustment based on the San Diego Consumer Price Index (CPI).

9. The applicant shall complete the following, or have plans submitted and approved by the Fire Department. All plans submitted to the Fire Department shall include the Fire Department conditions of approval.
 - a. The 20' wide, paved "fire lane" access roadway through the development shall be measured curb to curb (or edge of pavement to edge of pavement) and shall extend vertically from grade to the highest point of any structures or obstacles constructed adjacent to the fire lane. No building elements, balconies, drains, projections, or any other object shall encroach into this clear space. The fire lane(s) shall be identified by painting curbs red with white-stenciled letters indicating "NO PARKING – FIRE LANE" every 30 feet along all portions of the fire lane. Red stripes with white stenciled letters shall be painted on the curb or asphalt in front of garages along fire lanes as well. Additionally, signs shall be installed on the edge of the curb indicating the same. Placement of the signs shall be every 75 feet (or other approved spacing), placed in between the curb stenciling.

- b. All the homes shall be constructed with an approved automatic fire sprinkler system installed by a licensed fire sprinkler company. Separate plans are required to be submitted to the Fire Department for approval prior to installation.
- 10. Project landscape and irrigation plans shall be prepared by a licensed Landscape Architect, at the same scale as the grading plans. The plans shall be submitted to the Planning Division and approved by the Director of Development Services prior to issuance of a building permit. Said plans shall include the following:
 - a. The landscape plan shall be consistent with the grading plan, including any required revisions to said plan.
 - b. Landscaping of the front yard areas of each lot shall be provided in compliance with Section 17.10.040.E of the Municipal Code.
 - c. Street trees shall be provided along Fanita Drive, shall be a minimum 36-inch box size, and shall be selected from the Street Tree List and/or compatibility with established street trees in the vicinity. All trees in and within 10 feet of the public right-of-way (or 22 feet from the curb) shall be provided with root control barriers.
 - d. Ninety percent of plant materials shall be drought tolerant.
 - e. All planting and irrigation shall comply with Section 17.30.020.A – Landscaping, Screening and Maintenance Standards, of the City of Santee Municipal Code.
 - f. The location of all utility boxes, vaults and pedestals shall be depicted on the landscape plans.
 - g. The irrigation system shall be designed to minimize water usage. All permanent irrigation shall be installed underground and shall be automatically controlled.
- F. Prior to any occupancy or use of the premises pursuant to Development Review Permit DR07-03, the following conditions shall be met:
 - 1. Complete construction of all improvements shown on the approved plans to the satisfaction of the Director of Development Services.
 - 2. Plant all new trees in and within 10 feet of the public right-of-way with root control barriers.
 - 3. The applicant shall complete the following, or have plans submitted and approved by the Fire Department. All plans submitted to the Fire Department shall include the Fire Department conditions of approval.
 - a. An address directory shall be provided on Fanita Drive at the entrance to the development. The exact design, size, and location for directory signage shall be approved by the Fire Department prior to installation.
 - b. Address numbers shall be provided on each home plainly visible from the driveway for the project. Numbers shall be block style, 4" in height, black in color (or other approved color), in contrast with their background.

4. Obtain final clearance for occupancy by signature on the final inspection approval form from the Building Division, Fire Department and the Planning and Engineering Divisions if of the Department of Development Services.
 5. Locate and install substantially where they are shown all features shown on the approved site plan, landscape plan, plot plan, and grading plan for fencing, landscaping, and irrigation in accordance with the approved plans and appropriate Santee Municipal Code Section.
 6. The applicant shall submit for approval of the Director of Development Services the form of public disclosure to homeowners to advise them of:
 - a. The planned landscape and irrigated traffic safety island and possible future prohibition of left turns into and out of the site. The form shall be on brightly colored bond, 8½ x 11-inch size and printed in bold letters with a minimum 18-point font.
 - b. The requirement to maintain in good condition the private street, all structures, driveways, walls/fencing, and landscaping.
- G. Upon certification by the Director of Development Services for occupancy or establishment of the use allowed by Development Review Permit DR07-03, the following conditions shall apply:
1. All required landscaping shall be adequately watered and well maintained in a healthy and thriving condition, free from weeds, trash, and debris. The applicant shall not plant, seed, or otherwise introduce invasive exotic plant species to these landscaped areas. Exotic Plant species to be avoided include those species on Lists A and B of the Invasive Plant Council's list of "Exotic Pest Plants of Greatest ecological Concern in California as of October 1999." This list includes pampas grass, fountain grass, ice plant, black locust, capweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Spanish broom and other species.
 2. The structures, private street, driveways and walls/fencing shall be well maintained and in good condition.
 3. All groundcover installed pursuant to an approved landscape plan shall provide 100 percent coverage within 9 months of planting or additional landscaping, to be approved by the Director, shall be required in order to meet this standard.
 4. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises, and shall otherwise conform to the requirements of Title 17 of the Santee Municipal Code.
 5. Smoke detectors shall be required in all dwelling units per Municipal Code.
 6. The developer shall provide each property owner with information on the City refuse franchise.

SECTION 5: The terms and conditions of this Development Review Permit approval shall be binding upon the permittee and all persons, firms and corporations having an interest in the property subject to this Development Review Permit and the heirs, executors, administrators, successors and assigns of each of them, including municipal corporations, public agencies and districts.

SECTION 6: The City of Santee Municipal Code, Chapter 1.14, provides for the issuance of Administrative citations for Municipal Code violations. Should non-compliance with said terms and conditions of this Development Review Permit or any violation of the Municipal Code that includes the City's Storm Water Ordinance, the City has the right to issue administrative citations containing an assessment of civil fines for each violation and collect administrative fines for violations.

SECTION 7: Pursuant to Government Code Section 66020, the 90 day approval period in which the applicant may protest the imposition of any fees, dedications, reservations, or exactions imposed pursuant to this approval, shall begin on June 27, 2010.

SECTION 8: The applicant shall defend (with counsel of City's choice, subject to reasonable approval by the applicant) the City of Santee and its officers, employees and agents from any claim, action, or proceeding against the City and/or its officers, employees or agents to attack, or set aside, void, or annul the approval of the City of Santee concerning this Resolution or any action relating to or arising out of its approval, and further agrees to indemnify and hold harmless from all costs and expenses (including attorney's fees) associated with any such defense.

Section 9: The City of Santee Municipal Code, Chapter 1.14, provides for the issuance of Administrative citations for Municipal Code violations. Should non-compliance with said terms and conditions of this Development Review Permit or any violation of the Municipal Code that includes the City's Storm Water Ordinance, the City has the right to issue administrative citations containing an assessment of civil fines for each violation and collect administrative fines for violations.

Section 10: The City of Santee hereby notifies the applicant that State Law (SB1535), effective January 1, 2007, authorizes the County Clerk to collect a documentary handling fee for the processing of CEQA documents. In order to comply with State Law, the applicant should remit to the City of Santee Department of Development Services, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to the "County Clerk" in the amount of \$ 50.00. Failure to remit the required fee in full within the time specified above will result in a delay of the start of the thirty (30) day statute of limitations on court challenges to the approval under CEQA.

SECTION 11: This Development Review Permit expires on June 27, 2010 except where substantial construction has commenced prior to its expiration. If construction of the development has not commenced within the three-year period, said expiration date may be extended pursuant to a request for time extension received 60 days prior to the original expiration date. The City Council expressly grants to the Director of Development Services the authority to extend the expiration date of this approval pursuant to Section 17.04.090.B of the Santee Municipal Code, when a request for an extension is filed 60 days prior to the original expiration date.

ADOPTED by the City Council of Santee, California, at a Regular Meeting held this 27th day of June, 2007 by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

LINDA A. TROYAN, CITY CLERK

MEETING DATE June 27, 2007

AGENDA ITEM NO.

ITEM TITLE AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, ESTABLISHING A MORATORIUM ON THE FURTHER ESTABLISHMENT OF NEW BAIL BOND OFFICES AND THE EXPANSION OR RENOVATION OF EXISTING BAIL BOND OFFICES PURSUANT TO GOVERNMENT CODE SECTION 65858.

DIRECTOR/DEPARTMENT
Development Services

Gary Halbert,

SUMMARY

On June 13, 2007, the City Council received a report from the Department of Development Services on a work program. Included in the program is research on bail bond establishments and an assessment of regulations of this use. At the meeting the City Council gave direction to staff to return with an Ordinance on the next agenda to adopt an interim ordinance as an urgency measure.

This Ordinance shall be effective immediately upon adoption if adopted by at least a four-fifths (4/5ths) vote of the City Council and shall be in effect for forty-five (45) days from the date of adoption unless extended by the City Council as provided in Government Code section 65858.

As such, this interim ordinance will establish a 45-day moratorium on the approval or issuance of any building permit, business license or any other applicable entitlement for the expansion, renovation or establishment of new bail bond offices.

The interim ordinance also directs staff to research the regulation of bail bond establishments, and will give staff time to coordinate with law enforcement and to return with an Ordinance that addresses regulation of such uses, as appropriate.

FINANCIAL STATEMENT
budget.

Not applicable; covered by the Department's

RECOMMENDATION Adopt Interim Urgency Ordinance

ATTACHMENTS
Interim Urgency Ordinance

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE,
CALIFORNIA, ESTABLISHING A MORATORIUM ON THE FURTHER ESTABLISHMENT
OF NEW BAIL BOND OFFICES AND THE EXPANSION OR RENOVATION OF EXISTING
BAIL BOND OFFICES PURSUANT TO GOVERNMENT CODE SECTION 65858**

WHEREAS Section 17.12.030 of the City of Santee Municipal Code allows bail bond offices as a permitted use within the General Commercial (GC) and Office Professional (OP) zones; and

WHEREAS the City is authorized pursuant to Insurance Code section 1800.6 to enact regulations governing bail bond businesses that are not in conflict with the provisions of Division 1, Part 2, Chapter 7 of the Insurance Code; and

WHEREAS the City of Santee ("City") is authorized pursuant to Government Code section 65858 to adopt an interim ordinance as an urgency measure prohibiting uses that may be in conflict with a contemplated zoning proposal that the City Council of the City intends to study within a reasonable time; and

WHEREAS the City Council of the City has made the required findings pursuant to Government Code section 65858 that there is a current and immediate threat to the public health, safety, or welfare and that the approval of additional building permits or other applicable entitlements for the establishment of new bail bond offices or the expansion or renovation of existing bail bond offices as required by the City's zoning ordinance would result in that threat to the public health, safety or welfare.

**THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES ORDAIN AS
FOLLOWS:**

Section 1. This Ordinance shall be adopted as an Urgency Ordinance and shall take effect immediately. The recitals above are found to be true and are incorporated herein.

Section 2. The purpose of this interim Urgency Ordinance is to establish a forty-five (45) day moratorium on the approval or issuance of any building permit, business license or other applicable entitlement for the establishment of any new bail bond office or the expansion or renovation of any existing bail bond office in the City for the immediate preservation of the public health, safety, and welfare.

Section 3. The City Council hereby finds and determines as follows:

1. To address community concerns regarding the further establishment and/ or expansion or renovation of bail bonds offices within the City with respect to the compatibility of such uses with adjoining uses, it is necessary for the City to study the potential impacts such uses may have on the public health, safety, and welfare.

2. Based on the foregoing, the City Council finds that issuing permits, business licenses, or other applicable entitlements providing for the establishment and/or expansion or renovation of bail bond offices, prior to the completion of the City's study of the potential impacts of such uses, poses a current and immediate threat to the public health, safety and

welfare and that therefore a temporary moratorium on the issuance of such permits, licenses, and entitlements is necessary.

Section 4. The City Council hereby enacts this interim Urgency Ordinance by not less than a four-fifths (4/5ths) vote and in light of the findings set forth in Section 3 hereof, under the authority granted to it by Article XI, Section 7 of the California Constitution and Section 65858(a) of the California Government Code.

Section 5. The City Council hereby directs City staff to consider and study possible means of regulating bail bonds offices, including further zoning regulations or other regulations.

Section 6. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and 15060(c)(3) of the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3), because it is not a project as defined in Section 15368 thereof, because it has no potential to result in physical change to the environment, directly or indirectly.

Section 7. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 8. This Ordinance shall be effective immediately upon adoption if adopted by at least a four-fifths (4/5ths) vote of the City Council and shall be in effect for forty-five (45) days from the date of adoption unless extended by the City Council as provided in Government Code section 65858.

Section 9. The City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation in the City of Santee, California.

INTRODUCED AND ADOPTED at a Regular Meeting of the City Council of the City of Santee, California, on the 27th day of June 2007, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

RANDY VOEPEL, MAYOR

ATTEST

LINDA A. TROYAN, MMC, CITY CLERK

CITY OF SANTEE

CITY ATTORNEY'S OFFICE

To: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: CITY ATTORNEY
SUBJECT: LAND USE AUTHORITY OVER BAIL BOND OFFICES
DATE: JUNE 21, 2007

INTRODUCTION

At your June 13, 2007 regular City Council meeting, the City Council asked the City Attorney to prepare and bring back to the Council a moratorium ordinance related to new bail bond offices in the City. In addition, the City Council asked about the City's legal authority to regulate this type of use. This memorandum and the urgency ordinance on your agenda for your June 27, 2007 meeting attempt to respond to the City Council's requests.

QUESTIONS PRESENTED

1. What is the City's legal authority to regulate the location of bail bond offices?
2. What is the City's legal authority to impose a moratorium on the expansion of existing bail bond offices or the establishment of new bail bond offices?
3. What is the City's legal authority, if any, to ban new bail bond offices entirely within the City?

BRIEF ANSWERS

1. The City has the legal authority to regulate the location of bail bond offices, but the City may not impose any license tax or special license requirements on them.
2. The City may adopt a moratorium on bail bond offices if it wants to study how best to regulate that use, if at all.
3. We have not located any case law that has upheld a ban on bail bond office uses within a city, and we are not aware of any California city that has such a ban. There is case law that has upheld outright bans on other types of uses or classes of uses

within cities. Such bans must be substantially related to public health, safety, morals and general welfare, and must not be arbitrary, unreasonable or violative of first amendment, equal protection or other fundamental rights.

DISCUSSION

A. Regulation of Location of Bail Bond Offices

The City has the authority under the police power to regulate the location of bail bond offices within the City, but the City's regulatory authority is limited by state law. The City is not permitted to impose business taxes on bail bond agents or agencies. A city ordinance imposing a license tax on a person engaged in the bail bond business violates Article XIII, Section 28 of the State Constitution, which provides that the state tax on insurance companies is in lieu of all other taxes on such insurers and their property. (*Groves v. Los Angeles* (1953) 40 Cal. 2d 751.) Further, state law governs the licensing of bail bond agents; therefore cities are not authorized to impose local licensing requirements on them. (Insurance Code §§ 1800 et seq.)

However, Section 1800.6 of the Insurance Code specifically provides: "This chapter shall not limit the power of any city or county to enact other and further regulations concerning, and not in conflict with, the provisions of this chapter." The City's Municipal Code currently regulates the location of bail bond offices within the City (as do many other city codes). The City currently permits bail bonds in the office professional and general commercial zones, but not in other areas. Comprehensive zoning regulations lie within the police power of local governments. (*Village of Euclid v. Ambler Realty Company* (1926) 272 U.S. 365.) Therefore, reasonable regulations (either the City current ones or new ones that may be developed) on where bail bond uses may be located within the City are well within the City's police power.

B. Moratorium

Cities are authorized pursuant to Government Code section 65858 to adopt an urgency measure imposing a moratorium on certain land uses, based on documented health, safety, and general welfare concerns. The measure must state that the uses may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or planning department is considering, studying, or intends to study. The measure must be adopted by a four-fifths vote of the legislative body (i.e., four affirmative votes) and must expire within no more than 45 days, unless extended by a four-fifths vote up to 22 months and 15 days, after notice and a public hearing. Once adopted by a four-fifths vote, the measure goes into effect immediately.

The City can thus adopt a temporary moratorium on bail bond offices while it considers new zoning proposals relating to regulation of bail bond offices, as long as the interest in regulating this use is based on health, safety and welfare concerns. The proposed ordinance presented for your review at your June 27 meeting is in compliance with the requirements of such a moratorium ordinance.

C. Prohibition

We have not located a case that authorizes the City to ban all new bail bond offices within the City. However, cities are authorized to ban certain land uses to the extent the ban is substantially related to the public health, safety, morals, and general welfare, and does not abridge first amendment rights or other fundamental rights or discriminate on the basis of suspect classifications, and does not have the primary purpose of restricting competition. This line of cases may have application to a ban on bail bond offices.

In *Los Altos Hills v. Adobe Creek Properties, Inc.* (1973) 32 Cal. App. 3d 488, the court considered a comprehensive zoning plan that prohibited the use of all property within the city for commercial uses. Owners of property within the city sued, claiming that a total ban on commercial use of property within a city constitutes a denial of equal protection. The court disagreed, finding that "there is no necessity to provide a district for every type of use." (Id. at 500-01, citing *Snow v. City of Garden Grove* (1961) 188 Cal. App. 2d 496.) A city of limited size and area (such as Los Altos Hills and, apparently, Garden Grove) "is not obligated to make provision for the location and operation within its city limits of any and all known industries regardless of other considerations, provided its actions are not arbitrary, unreasonable or not done fraudulently and are done to insure maximum protection of the several conflicting private interests and minimum detriment to the community and to safeguard public health, safety, comfort and general welfare." (Id.)

If the City were to consider a ban on bail bond office uses, the City would need to provide a strong health, safety and welfare justification for the ban, based on the specific effects of bail bond office uses (specific to the City and its particular characteristics). The court in *Los Altos Hills* admonished cities that "a zoning ordinance which totally excludes a particular business from an entire municipality must bear *more than a substantial relationship* to the public health, safety, morals, and general welfare than an ordinance which confines that business to a certain area in the municipality." (Id. at 506, emphasis added.) Although the court did not define what would be considered "more than a substantial relationship," it did explain that the reason why a strong and specific justification is required is that once one city bans a use, it is not unlikely that adjacent cities will do the same, ultimately reducing the possibility that there would be available alternative sites outside the city on which the prohibited use may be conducted. Thus, any prohibition on bail bond offices must be supported by specific justifications based on the particular characteristics of the City.

We are not aware of any California city that has adopted an outright ban on bail bond businesses. However, cities do ban other types of uses outright. For example, the City of Carmel completely banned fast food chain restaurants. (Carmel Mun C §17.14.040(I)(3)(b).) Typically, cities support bans of particular uses by adopting policies or findings identifying the city's specific concerns with respect to the use and particular local conditions that make the use particularly burdensome, which may include preserving the character of the community or particular districts or protecting a tourist-based economy. If the City pursues such a ban, the City should identify the reasons why such a ban is necessary.

It is not relevant that the prohibited use may be similar to non-prohibited uses (as long as the distinction is not based on suspect classifications). "The mere fact that some uses of the

property may prove to be similar [to a prohibited use] does not render the ordinance unduly discriminatory.” (Id. at 517, citing *City of Long Beach v. California Lambda etc. Fraternity* (1967) 255 Cal. App. 2d 749.) In *City of Long Beach*, the city prohibited fraternity houses but not boarding or lodging houses. The plaintiff fraternity sued, contending that the attributes of use as a fraternity house were identical to those of boarding or lodging houses. The court, however, upheld the prohibition on the basis of the City’s finding that the attributes of the fraternity house use rendered it “more offensive and burdensome” than the permitted boarding and lodging house uses.

Finally, the ban may not be for the primary purpose of creating a bar to new entrants to the market in order to limit competition. (*Los Altos Hills, supra*, 32 Cal. App. 3d at 505; see also California Land Use Practice § 5.63 (Cal. CEB 2006).)

CONCLUSION

The City has the legal authority to regulate where bail bond offices are located, and it may adopt an urgency ordinance to give the City time to consider changes to its existing regulations of such use. We are not aware of any California city that has adopted a complete ban on bail bond offices, and we have not located a case that upholds such a ban. However, other cases have upheld a complete ban on other uses or categories of uses as long as the City finds that there are strong health, safety and welfare justifications for such a ban. Such cases may provide the City with some authority to ban bail bond offices if the City can provide strong health, safety and welfare justifications for doing so.

Respectfully submitted,



Shawn D. Hagerty
of BEST BEST & KRIEGER LLP
City Attorney
City of Santee

cc: Keith Till, City Manager

MEETING DATE

June 27, 2007

AGENDA ITEM NO.

ITEM TITLE **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA APPROVING AND ADOPTING THE TWO-YEAR OPERATING BUDGET FOR FISCAL YEARS 2007-08 AND 2008-09**

DIRECTOR/DEPARTMENT

Tim K. McDermott, Director of Finance

SUMMARY

The proposed two-year operating budget for fiscal years 2007-08 and 2008-09 was presented to the City Council on June 13, 2007. The budget is now being brought back to the City Council for further comment and adoption. This budget will serve as the City's fiscal plan for the upcoming two years and reflects the many programs and service priorities that the City of Santee is committed to providing its citizens.

While the long range outlook is positive, this two-year budget was developed with a sense of caution. Statewide and national issues such as the housing market slowdown, impacts of sub-prime mortgages, volatile energy prices, and declines in capital investment and consumer spending are of concern. Santee has experienced double-digit increases in assessed valuation in each of the past three years, a trend which will not continue into the next two fiscal years. Retail sales growth is slowing statewide, a trend which will impact Santee's sales tax revenues.

(continued on page two)

FINANCIAL STATEMENT

The proposed two-year operating budget provides for the appropriation of available resources for fiscal years 2007-08 and 2008-09 as summarized in the attached exhibits. This budget is in compliance with the City's balanced budget and reserve policies.

RECOMMENDATION

Adopt the resolution approving the City of Santee two-year operating budget for fiscal years 2007-08 and 2008-09.

ATTACHMENTS (Listed Below)

1. Resolution
2. Proposed Budget Summaries

GENERAL FUND BUDGET

Revenues

General Fund revenues for FY 2007-08 are projected to be \$32,105,000, which represents a 3.5% increase from the prior fiscal year. FY 2008-09 General Fund revenues are projected to be \$33,453,000, representing an additional 4.2% increase.

Property Tax and Property Tax in Lieu: Property tax revenue is projected to be \$8,568,000 in FY 2007-08 and \$8,910,000 in FY 2008-09. This represents annual increases of 6.4% and 4.0% respectively. Property tax in lieu revenue (received as the result of the permanent reduction in vehicle license fees by the State) is projected to be \$4,230,000 in FY 2007-08 and \$4,400,000 in FY 2008-09, representing annual increases of 6.0% and 4.0% respectively. In total these property tax/assessed valuation based revenues represent nearly 40% of the total General Fund revenues.

Sales Tax: Sales tax revenue (including sales tax in lieu or the "triple flip" payment) is projected to total \$8,683,000 in FY 2007-08 and \$8,944,000 in FY 2008-09. This represents annual increases of 3.7% and 3.0% respectively. Sales tax represents nearly 27% of the total General Fund revenues.

Franchise Fees: Franchise fees collected under gas & electric, telecommunications and refuse collection franchise agreements are projected to increase to \$2,170,000 in FY 2007-08 and to \$2,279,000 in FY 2008-09. This represents annual increases of 4.7% and 5.0% respectively.

Expenditures

Proposed General Fund expenditures total \$31,908,150 in FY 2007-08 and \$33,384,090 in FY 2008-09. This represents increases of 6.1% and 4.6% respectively.

Public safety continues to represent the largest portion of the General Fund operating budget (67% of the total). Proposed expenditures for law enforcement and fire and life safety total \$21,259,190 in FY 2007-08 and \$22,485,120 in FY 2008-09. These amounts include the two gang suppression task force officers and the three firefighter paramedic positions recently added. Negotiations are currently underway for the city's law enforcement services contract with the County of San Diego Sheriff. A portion of fund balance is designated for additional costs should it be needed.

Other proposed expenditures of note are as follows.

City Council: Includes \$25,000 to support non-profit groups or community events that promote the City or have a positive impact on the community.

Information Technology: Establishes a technology replacement program to provide funds for the ongoing replacement of computers and network hardware (\$55,000 per year).

Storm Water Program: Includes an increase of \$108,000 annually in storm water management program costs due to new permit requirements.

Public Services: Includes increases due to enhanced landscape and facility maintenance efforts, and the addition of new City facilities such as the Operations Center and Town Center Community Park.

Special Events: Includes increases in each of the two years to augment community special events.

Personnel Costs: Several vacant non-safety positions remain frozen in the proposed two-year budget. However, in response to ongoing community development activity and in an effort to enhance the customer service provided by the City in the building permit process, the addition of a City Building Official is proposed. This position will enable the City to perform "over the counter" plan review of small projects and plan rechecks, services the City currently does not provide. Also proposed is the unfreezing of a Secretary position in the Community Services Department which will enhance customer service in support of the City's recreation and special event programs.

The proposed budget reflects the cost of the two-year tentative agreement reached with the Santee Firefighters' Association which provides for the following salary increases: 3.5% on July 1, 2007, 2.0% on January 1, 2008, and 3.5% on July 1, 2008. Captains will receive an additional 2.0% on January 1, 2009.

The proposed budget also reflects the cost of a 3.5% across the board salary increase for all general and management employees, effective July 1, 2007.

Reserves

The City Council has established a General Fund reserve policy to ensure that, absent a catastrophic event, available reserves never dip below 25% of General Fund annual operating expenditures. The General Fund reserve balance is estimated to be \$9,805,760 at June 30, 2009. This fulfills the commitment to a 25% reserve, plus provides \$1,459,740 in one-time resources (4% of General Fund annual operating expenditures), most of which will be utilized in the five-year capital improvement program.

Capital Improvement Program

The five-year Capital Improvement Program is being updated to reflect revised funding projections, project timelines, and priorities. The revised Capital Improvement Program will be brought forward for Council's consideration during the first quarter of FY 2007-08.

The Proposed Operating Budget for Fiscal Years 2007-08 and 2008-09 is available for public review at the both the City Clerk and Finance Departments.

MEETING DATE

June 27, 2007

AGENDA ITEM NO.**ITEM TITLE** **RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF SANTEE, CALIFORNIA APPROVING AND ADOPTING THE TWO-YEAR OPERATING BUDGET FOR FY 2007-08 AND FY 2008-09****DIRECTOR/DEPARTMENT**

Tim K. McDermott, Director of Finance

SUMMARY

The proposed two-year operating budget for fiscal years 2007-08 and 2008-09 was presented to the Commission on June 13, 2007. The budget is now being brought back to the Commission for further comment and adoption.

As a result of ongoing economic development and redevelopment activities, over the past four fiscal years the Community Development Commission ("CDC") has experienced strong increases in assessed valuation within the redevelopment project area, and a corresponding increase in property tax increment revenue. While growth is expected to continue, it will be at a much lesser rate than previously experienced. Property tax increment revenue is projected to increase by 7.3% in FY 2007-08 and by 5.2% in FY 2008-09. Total CDC revenues are estimated to be \$10,560,500 in FY 2007-08, and \$10,816,600 in FY 2008-09.

The proposed CDC budget provides for funding existing bonded debt service and meeting other existing redevelopment obligations, including the statutory pass-through of property tax increment to other local taxing entities. Existing reserves, combined with the CDC's tax increment revenue stream, will provide additional resources for infrastructure, park, and other public improvement projects which benefit the redevelopment project area. These resources will also provide an opportunity to further the City and CDC's economic development and redevelopment goals. The proposed two-year budget provides for an increase in the CDC's support of the City's capital improvement program by transferring an additional \$4 million in redevelopment funds and \$2 million in housing set aside funds to the capital improvement program.

The Proposed Operating Budget for Fiscal Years 2007-08 and 2008-09 is available for public review at the City Clerk's Department and Finance Department.

FINANCIAL STATEMENT

The proposed two-year operating budget provides for the appropriation of available resources for fiscal years 2007-08 and 2008-09 as reflected on the attached summary schedules.

RECOMMENDATION

Adopt the resolution approving the Santee Community Development Commission two-year operating budget for fiscal years 2007-08 and 2008-09.

ATTACHMENTS (Listed Below)

1. Resolution
2. Proposed Budget Summaries

MEETING DATE

June 27, 2007

AGENDA ITEM NO. 9B

ITEM TITLE A RESOLUTION OF THE SANTEE COMMUNITY DEVELOPMENT COMMISSION AUTHORIZING THE EXECUTION OF A TEMPORARY CONSTRUCTION EASEMENT DEED WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION ON APN 384-141-12 FOR THE STATE HIGHWAY 52 CONSTRUCTION PROJECT

DIRECTOR/DEPARTMENT Keith Till, Executive Director

SUMMARY

The Santee Community Development Commission owns a one-third acre parcel of land comprising 14,951 square feet on the southeast corner of Magnolia Avenue and Prospect Avenue. This property is located adjacent to the State Highway 52 construction project, and Caltrans requires a Temporary Easement to access this property for use as a working area for SR-52 construction work.

Attached is a resolution that would authorize the execution of a Temporary Construction Easement Deed for Assessor's Parcel No. 384-141-12 to provide Caltrans with access and use of this parcel for the SR-52 construction project.

FINANCIAL STATEMENT The resolution would authorize a Temporary Construction Easement Deed with Caltrans, and Caltrans would also pay the Commission \$1,600.00 for this Temporary Easement, in accordance with their standard policies.

RECOMMENDATION Adopt the attached Resolution.

ATTACHMENTS (Listed Below)

Resolution
Location Map

**RESOLUTION OF THE SANTEE COMMUNITY DEVELOPMENT
COMMISSION AUTHORIZING THE EXECUTION OF A TEMPORARY CONSTRUCTION
EASEMENT DEED WITH CALIFORNIA DEPARTMENT
OF TRANSPORTATION ON APN 384-141-12 FOR THE STATE
HIGHWAY 52 CONSTRUCTION PROJECT**

WHEREAS, the Santee Community Development Commission is the owner in fee simple of Assessor's Parcel No. 384-141-12 comprising 14,951 square feet on the southeast corner of Magnolia Avenue and Prospect Avenue in Santee; and

WHEREAS, the subject parcel is located adjacent to the State Highway 52 construction project by the State Department of Transportation (Caltrans); and

WHEREAS, Caltrans requires a Temporary Easement to access the subject property for use as a working area for the State Highway 52 construction project; and

WHEREAS, the Santee Community Development Commission desires to provide a Temporary Construction Easement Deed to Caltrans for this purpose, and Caltrans agrees to pay the Commission \$1,600.00 for this Temporary Easement.

NOW, THEREFORE BE IT RESOLVED by the Santee Community Development Commission that the Executive Director is hereby authorized to execute a Temporary Construction Easement Deed with Caltrans to provide for use of Assessor's Parcel No. 384-141-12 as a working area for the State Highway 52 construction project.

ADOPTED by the Community Development Commission of the City of Santee, California, at a Regular Meeting thereof held this ____ day of _____, 2007, by the following roll call vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

RANDY VOEPEL, CHAIRMAN

ATTEST:

LINDA A. TROYAN, SECRETARY